



**Notice of a public meeting of
Licensing and Regulatory Committee**

To: Councillors Cuthbertson (Chair), Melly (Vice-Chair),
Orrell, Barker, D'Agorne, Galvin, Hook, Hunter, Looker,
Mason, D Myers, Norman, Warters, Wann and Wells

Date: Wednesday, 21 December 2022

Time: 4.00 pm

Venue: The George Hudson Board Room - 1st Floor West
Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

- 2. Minutes** (Pages 3 - 8)
To approve and sign the minutes of the meeting held on 4 October 2022.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Monday 19 December 2022.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

- 4. Renewal of a Sex Establishment Licence for First Floor of Ziggy's (Known as Club 55), 53-55 Micklegate, York, YO1 6LJ [Licence Number CYC019257]** (Pages 9 - 62)

This report seeks Members determination of an application to renew a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Ziggy's (Club 55), 53-55 Micklegate, York, YO1 6LJ.
- 5. Application for a Private Hire Operators licence - Christopher Hall, 57 Taxis Limited trading as "Drive"** (Pages 63 - 94)

This report seeks Members' determination of an application for a Private Hire Operators Licence. The operating premises will be situated at 39 Layerthorpe, York YO31 7UZ.
- 6. Application for a Private Hire Operators licence - Bilal Husain Iqbal, trading as DASH (Private Hire)** (Pages 95 - 130)

This report seeks Members' determination of an application for a Private Hire Operators Licence. The operating premises will be situated at Unit 1, Heritage Park, Outgang Lane, York, North Yorkshire, YO19 5UP.
- 7. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 552030
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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Procedure for Taxi Operator Licence Applications

1. Apologies
2. Declarations of Interest
3. Minutes of previous meeting
4. Public Participation
5. Members questions to public speakers (questions to be asked after each speaker)
6. SEL Renewal application

7. Taxi licence applications - (repeat the procedure for each application)

- a. Chair introduces procedure to be followed
- b. Officer presents report
- c. Members questions to Officer on report
- d. Public speakers – 3 mins each speaker
- Members questions to public speakers (questions to be asked after each speaker)
- e. Applicant presents his case (and any witnesses speak in support) (total 20 minutes)
- f. Members questions to applicant
- g. Applicant's closing comments (5 minutes)
- h. Deliberation and announcement of decision

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City of York Council

Committee Minutes

Meeting	Licensing And Regulatory Committee
Date	4 October 2022
Present	Councillors Cuthbertson (Chair), Melly (Vice-Chair), D'Agorne, Galvin, Hook, Hunter, Looker, Mason, D Myers, Norman And Wells
Apologies	Councillors Orrell, Barker And Wann
In Attendance	Matt Boxall (Head of Public Protection) Sandra Branigan (Senior Solicitor) Lesley Cooke (Licensing Manager) David Cowley (Taxi Licensing Manager)

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

10. DECLARATIONS OF INTEREST [17:36]

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. There were none.

11. MINUTES [17:37]

Resolved: That the minutes of the meeting held on 9 August 2022 be approved and signed by the Chair as a correct record subject to the following amendments:

12. PUBLIC PARTICIPATION [17:38]

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

13. TAXI LICENSING POLICY [17:41]

Members considered a report setting out a proposed timetable for the revision, consultation and implementation of a revised

Taxi Licensing Policy. The Licensing Manager detailed the report and indicative timetable for the policy. It was noted that the draft policy met statutory and DfT standards. She was asked and clarified that:

- Officers would like wider discussion on certain aspects of the policy.
- If statutory standards were not met, this would need to be justified.
- The suitability policy may be an issue with the trade.

Members discussed the timings of the indicative timetable for the review of the policy. A Member asked if there would be enough time to review the policy without needing additional meetings of the working group. The Chair suggested that the working group may want to consider looking at the policy in two phases, beginning with statutory standards followed by locally determined policies. The Licensing Manager was asked and confirmed that the DfT had written to the council regarding the implementation of statutory standards. The time commitment involved in the meetings of the working group was noted. The Licensing Manager was asked and confirmed that work had begun on including the statutory standards in the draft policy.

Members considered the following options:

Option 1

- i. Ask officers to form a working party of Members and a representative of each registered Hackney Carriage and Private Hire Association to formally review the Taxi Licensing Policy.
- ii. Ask Officers to formally consult on the revised Taxi Licensing Policy. Bringing the results of the consultation back to this Committee.
- iii. Approve the indicative timetable for the revision, consultation and implementation of the Taxi Licensing Policy. The proposed timetable can be found at Annex 1.

Option 2

- i. Determine that a working party is not required and ask Officers to formally consult on the revised Taxi Licensing

Policy drafted by Officers. Bringing the results of the consultation back to this committee.

- ii. Approve an amended timetable (removing the revision element) for the consultation and implementation of the Taxi Licensing Policy. The timetable can be found at Annex 1.

Option 3

- i. Determine that a formal public consultation is not required, giving reason why. Ask Officer to bring the Taxi Licensing Policy drafted by Officers to this Committee to make recommendation to the Full Council.
- ii. Determine that a timetable is not required.

Members then unanimously:

Resolved: That approval be given to Option 1 of the report, namely:

- i. That Officers to form a working party of Committee Members (agreed as the Chair, Vice Chair and Cllr Mason) with input from the Executive Member for Housing and Safer Communities, to formally review the Taxi Licensing Policy, liaising with a representative of each registered Hackney Carriage, Private Hire Association and user groups.
- ii. Thereafter, ask Officers to formally consult on the revised Taxi Licensing Policy. Bringing the results of the consultation back to this Committee.
- iii. Approve the indicative timetable for the revision, consultation and implementation of the Taxi Licensing Policy. The proposed timetable can be found at Annex 1.

Reason: To formally review the Taxi Licensing Policy to make sure it is in line with the requirements of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards, any other statutory legal requirements and best practice.

14. USE OF NATIONAL REGISTER OF REFUSALS AND REVOCATIONS (NR3) DATABASE [18:00]

Members considered a report seeking approval to use the National Register of Refusals and Revocations (known as the 'NR3 database'), hosted by the National Anti-Fraud Network (NAFN) as part of its checks on new and existing taxi drivers to determine whether they were 'fit and proper' to hold a drivers licence, and to provide details of drivers the council has suspended, revoked etc. to other taxi licensing authorities to aid their licensing decisions. The Licensing Manager clarified that it would be the details of refusals and revocations, not suspensions would be shared with other taxi licensing authorities. The Taxi Licensing Manager was asked and confirmed that an alert from NAFN regarding a driver would not automatically mean that they would have their licence revoked in York.

Members considered the following options:

Option 1 – In advance of the impending legal requirement determine:

- i) That the council use the NR3 database as part of the 'other records and information' it uses under the existing Taxi Licensing policy to help determine whether a person is fit and proper' to hold a hackney carriage or private hire driver licence.
- ii) That the council populates the NR3 database with details of all drivers who have had hackney carriage or private hire drivers licences refused, suspended, not renewed or revoked (in so far as such records are held).

Option 2 – undertake the planned consultation on this requirement as initially intended.

Members then unanimously:

Resolved: That in accordance with Option 1, that in advance of the impending legal requirement determine:

- i) That the council use the NR3 database as part of the 'other records and information' it uses under the existing Taxi Licensing policy to help determine whether a person is fit and proper' to

hold a hackney carriage or private hire driver licence.

- ii) That the council populates the NR3 database with details of all drivers who have had hackney carriage or private hire. drivers licences refused, suspended, not renewed or revoked (in so far as such records are held).

Reason: To help fulfil the Council's impending legal obligations under the Taxis and the Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

PART B - MATTERS REFERRED TO COUNCIL

15. NEW HACKNEY CARRIAGE LICENCES - REFERRAL TO COUNCIL [17:38]

Further to the decision of the Committee on 7 June 2022, and the Executive on 28 July 2022, Members were asked to refer to Council the decision to amend the council's Taxi Licensing Policy in respect of the *number* of hackney carriage licences issued. The Head of Public Protection clarified that the ten new licences issued did not change the total number of licences being issued as three licences had not been renewed. Members then unanimously:

Recommended: That Council approve the issuing of *ten* new hackney carriage vehicle licences (three that have not been renewed and seven additional licences), bringing the total number to 190.

Reason: To help meet unmet demand for hackney carriage vehicles, particularly from users with a disability, and coupled with the proposed specification for those newly licensed vehicles provide a more environmentally friendly and easily recognisable hackney carriage fleet in the city in response to the declared climate

emergency and continuing desire to improve air quality.

Cllr Cuthbertson, Chair

[The meeting started 17:35 and finished at 18:07].



Licensing & Regulatory Committee

21 December 2022

Report from the Director – Environment, Transport & Planning

Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Policing and Crime Act 2009

Renewal of a Sex Establishment Licence for First Floor of Ziggy's (Known as Club 55), 53-55 Micklegate, York, YO1 6LJ Licence Number CYC019257

Summary

1. This report seeks Members determination of an application to renew a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Ziggy's (Club 55), 53-55 Micklegate, York, YO1 6LJ.
2. Name of applicant: Ziggy's Limited
3. Summary of Application: A copy of the application is attached at Annex 1 of this report and is summarised as follows. This is an application for the renewal of a Sex Establishment Licence with hours of opening Monday to Sunday 21:00 hours to 03:00 hours and 18:00 hours to 04:30 hours on York Racecourse Race Days only.
4. A sex establishment licence is valid for 12 months, the licence holder must submit an application to renew the licence to the licensing authority before the existing licence expires if they wish to continue running a sexual entertainment venue. A copy of the licence to be renewed is attached at Annex 2.
5. The premises currently has a premises licence issued under the Licensing Act 2003. A copy of the premises licence is attached at Annex 3 and is summarised as follows:

Licensable Activity	Permitted Days & Hours
Films	Monday to Sunday 10:00 – 05:00
Live Music	Monday to Sunday 10:00 – 05:00
Recorded Music	Monday to Sunday 10:00 – 05:00
Performance of Dance	Monday to Sunday 10:00 – 05:00
Activities like Performance of dance	Monday to Sunday 10:00 – 05:00
Late Night Refreshment	Monday to Sunday 23:00 – 05:00
Supply of Alcohol (on and off sales)	Monday to Sunday 10:00 – 04:30
Opening Hours	Monday to Sunday 10:00 – 05:00
Non Standard Timings	From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. On York Racecourse race days 10:00 - 06:00 An additional hour on the morning clocks go forward.

Recommendations

- Members are asked to determine the application for the renewal of the licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by the Policing and Crime Act 2009.

Reason: To consider renewal of the sexual entertainment licence as required by the legislation.

Background

- On 6 April 2010, section 27 of the Policing and Crime Act 2009 was introduced. This legislation reclassified lap dancing clubs and other similar venues as 'sexual entertainment venues'; for which a sex establishment licence is required under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This allows Local Authorities who have adopted the provisions of the legislation to regulate lap dancing clubs and similar venues under the same regime as sex shops.
- Sexual entertainment venues are defined in the legislation as 'any premises at which relevant entertainment is provided for a live audience

for the financial gain of the organiser or the entertainer'. The meaning of relevant entertainment is 'any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)'.

9. This Authority adopted the provisions of the legislation on 7 October 2010 when the resolution was approved by full council.
10. City of York Council's Licensing of Sex Establishments Licensing Policy was reviewed and a revised policy was adopted on 27 April 2017 with immediate effect. A copy of this policy can be found at <https://www.york.gov.uk/downloads/file/213/sexual-entertainment-venues-policy-and-procedure>
11. A copy of City of York Council's Standard Conditions for Sexual Entertainment Venues is attached at Annex 4.

Consultation

12. Consultation was carried out by the applicant and the Licensing Authority in accordance with paragraph 10 of Schedule 3 of the 1982 Act relating to the process which the applicant must follow for the application for renewal to be considered valid, the applicant must:
 - display a notice of the application on or near the premises for a period of 21 days;
 - within seven days after the date of the application publish an advertisement in a local newspaper, and send a copy of the application to the chief officer of police.
13. Objections must be received within 28 days after the date of the application. No objections have been received.
14. A map showing the location of 53-55 Micklegate is attached at Annex 5.

Relevant Legislation – Grounds for Refusal

15. When considering the application, the Authority does not have an unfettered discretion as to whether to refuse an application or grant a renewal or transfer. The grounds on which an application could be refused are set out in paragraph 12 to Schedule 3 of the 1982 Act.

Mandatory grounds for the refusal of an application

16. The mandatory grounds for the refusal of an application for a sex establishment licence are that the applicant:
- a) is under the age of 18;
 - b) is for the time being disqualified from holding a sex establishment licence;
 - c) is not a body corporate, and is not in resident or has been resident in an EEA state for six months immediately preceding the date of the application;
 - d) is a body corporate which is not incorporated in an EEA state;
 - e) has in the period of twelve months preceding the date of application been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the reversal has been reversed on appeal.
17. There are no mandatory grounds for refusing this application.

Discretionary grounds for the refusal of an application

18. Discretionary grounds for the refusal of an application for a sex establishment licence are that:
- a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or any other reason – the applicant has not declared any convictions on the application form and the police have not objected to this application;
 - b) if the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - c) the number of sex establishments, or sex establishment of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality – this premises is the only licensed sexual entertainment venue within the determined suitable locality;
 - d) the grant would be inappropriate, having regard –
 - to the character of the relevant locality;
 - to the use to which any premises in the vicinity are put;

- to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

19. When considering the suitability of the applicant to hold a licence the council will take into account such matters it considers to be relevant, this could include any issues identified with the operation of the premises and any complaints received.
20. Guidance on relevant locality can be found at Annex 6, paragraphs 3.32 to 3.38.
21. Within the licensing policy the council has determined a suitable locality for sexual entertainment venues, an area within the city centre. A limit on the number of sexual entertainment venues permitted within this locality has also been determined; the appropriate number of sexual entertainment venues in the city centre area is a maximum of two, providing those premises are not too near and/or do not impact properties with sensitive uses or in sensitive locations. At the present time this is the only sexual entertainment venue within York.

Options

22. By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee have the following options available to them in making their decision:

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23. Option 1: Grant a renewal of the licence as requested.
24. Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.
25. Option 3: Refuse the application for renewal on one or more of the discretionary grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Analysis

26. The following could be the result of any decision made by this Committee:
27. Option 1: This decision cannot be appealed at Magistrates Court by an objector to the application. Objectors could judicially review the decision.

28. Option 2: This decision could be appealed at Magistrates Court by the licence applicant.
29. Option 3: With the exception of a decision to refuse an application on a ground specified in paragraph 12(3) (c) or (d) of Schedule 3 to the 1982 Act, the licence applicant may appeal against the decision made to the Magistrates' Court.

Council Plan

30. The Council's Plan is to provide safe communities and culture for all, and a good quality of life for everyone. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications

31. The implications arising directly from this report are:
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – An Equality Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment venue licence renewal for Club 55 will not have an adverse impact or unlawfully discriminate against any protected characteristics.
 - **Legal** – The Council has the ability to control the licensing of sexual entertainment venues having adopted Schedule 3 to Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

Paragraph 8 of Schedule 3 to the 1982 Act provides that where it determines to grant a sex establishment licence, the Council is empowered to impose such conditions or restrictions as it deems appropriate.

Paragraph 12 of Schedule 3 to the 1982 Act sets out a number of mandatory grounds for refusal of a sex establishment licence and also discretionary grounds for refusal of a sex establishment licence.

In considering this application the Committee should have regard to:

- Schedule 3 to the 1982 Act, as amended by Policing and Crime Act 2009.

- The Council's Policy for the Determination of Applications for Sexual Entertainment Venues.
- The Home Office – Sexual Entertainment Licence – Guidance for England and Wales which states that “Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12” [of Schedule 3 to the 1982 Act].

The Human Rights Act 1998 and the general principles of natural justice apply to this matter. The Committee must act proportionately, consider the rights of all parties affected by the application and ensure that the hearing of the application is fair.

Members of the Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application on its own merit.

- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

32. All Members are aware that any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of reputation and potential financial penalty.
33. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with the proper grounds for considering the application as set out within this report, there are no known risks involved with this recommendation.

Contact Details

Author:

Chief Officer Responsible for the report:

Lesley Cooke
Licensing Manager
Ext 1515

James Gilchrist
Director Environment, Transport & Planning

**Report
Approved**



Date 24.11.2022

Wards Affected: Micklegate

Annexes

- Annex 1** - Copy of application for renewal of SEV
- Annex 2** - Copy of current Sex Establishment Licence to be renewed
- Annex 3** - Copy of Premises Licence issued under the Licensing Act 2003
- Annex 4** - Copy of CYC Standard Condition for Sexual Entertainment Venues
- Annex 5** - Map showing location of premises
- Annex 6** - Legislation Extracts

20 OCT 2022



CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED
SCHEDULE 3 – CONTROL OF SEX ESTABLISHMENTS
Application for the Grant / Renewal / Transfer of a Sex Establishment Licence

TYPE OF VENUE

- Sexual Entertainment Venue
- Sex Shop
- Sex Cinema

TYPE OF APPLICATION

- Grant
- Renewal
- Transfer

APPLICANT DETAILS

1. Is the applicant:

- An individual (please answer questions 2, 5 to 9)
- A company or other corporate body (please answer questions 3, 5 to 9)
- A partnership or other unincorporated body (please answer questions 4, 5 to 9)

2. Full name of applicant (individual):

Former or previous names: ANDREW GREGORY ELLIOTT

Home address: ELLA COTTAGE, SHIPTON

Post town: YORK Post code: YO30 1AZ

Telephone numbers: 01904 110100

Date of birth:

Email address:

3. Name of applicant (company name): 219915 N/dub Ltd

Address of registered or principal office: Ella cottage Shipton

Post town: YORK Post code: YO30 1AZ

Registration number: 12423908

Email address:

4. Name and address of applicant:

Names and addressed of applicant's partners (please use additional sheet):

5. Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:

N/A

6. a. Has the applicant ever been known by any other name?

YES / NO NO

b. Has the applicant ever been convicted of a criminal offence?

YES / NO NO

c. Has the applicant ever been refused a sex establishment licence?

YES / NO NO

d. Has the applicant ever had a sex establishment licence revoked?

YES / NO NO

e. Has the applicant ever been served with a winding up petition?

YES NO

If the answer to any of these questions is yes, please provide details:

7. Applicants' trading address or head office (other than the premises)

Ella Cottage Shipton

York YO30 1AZ

8. Will the business for which this licence is sought be carried on for the benefit of a person other than the applicant? YES NO

If the answer is yes, state the name, address, place of registration, registered number and the identity of all directors, company secretary and those with a greater than 10% shareholding (use separate sheet if necessary).

9. Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each.

No

PREMISES DETAILS

10. Please state the name the business will be known as:

CLUB 55

11. Is the premises a Building Vehicle Vessel Stall

12. Where is it proposed to use the vehicle, vessel or stall?

N/A

13. Does the company propose to only operate on the internet?
(if yes answer Q14 to 19 only)

No

14. Premises address

53-55 NICKLEGATE

Post town

YORK

Post code

YO1 6LJ

Telephone number at premises

15. Which part of the premises is to be used as a sex establishment?

THE FIRST FLOOR

16. Is the applicant owner lessee sub-lessee other

17. If the applicant rents the property state:

a. Name and address of landlord:

b. Name and address of the superior landlord:

c. Total annual rental:

d. Length of unexpired term:

e. Notice required to terminate tenancy:

18. Please provide details of the building management company (if appropriate):

CLUB 55 MANAGEMENT

19. State the current use of the premises:

BAR + NIGHTCLUB & JEV

20. Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises? YES/NO

21. Can members of the public access the premises:
 a. Directly from the street?
 b. From other premises?
 c. Not at all? (internet sales only)

YES/NO YES/NO YES/NO
 X/O only
 via staircase
 to 1st floor

22. Are the premises currently being used as a sex establishment?
 Please provide details of the business currently operating the business:
 1st Floor yes - current SEV
 Rest of Premises Bar + Club

OPERATING SCHEDULE

23. Opening hours: (If internet sales only please tick here and continue to Q 26)

Monday	Tuesday	Wednesday	Thursday	Friday
Saturday	Sunday			

AS EXISTING

Any non-standard timings:

24. Has the applicant entered into any written or oral agreement in connection with the business, for example a management agreement, partnership agreement or profit share arrangement? Please provide details.

a. Please provide details of any lender, mortgage or others providing finance:
 No

b. Please provide details of any merchandising agreements:
 No

PREMISES MANAGEMENT

25. Please state the name of the person who will be in day to day control of the premises (the manager).
 MARIANNA ELIZABETH LINSLOTT

a. Will the manager be based at the premises YES/NO
 b. Will the management of the premises be the manager's sole occupation YES/NO

26. Who will be in control of the premises in the manager's absence (relief manager)?
 LAURA ALICE ROBERTS

a. Will the relief manager be based at the premises in the absence of the manager? YES/NO

If you have ticked no to any of the above please provide details:

EXTERNAL APPEARANCE AND ADVERTISING - DO NOT COMPLETE FOR RENEWAL APPLICATION

27. Please describe the proposed exterior signage and advertising. Please include nature, content and size of each sign and any images to be used:

Please note that a drawing of the front elevation is required to be submitted with this application.

28. Please describe how the interior of the premises is obscured to passersby:

1st floor as existing

29. Please describe any proposed window displays:

None

30. Please describe how the business is to be advertised, ie business cards, billboard advertising, personal solicitation, advertising on motor vehicles, radio or television advertising:

Business card + Social media

APPLICATIONS FOR SEXUAL ENTERTAINMENT VENUES ONLY

31. Is the proposal for full nudity?

YES / NO

32. Describe the nature of the entertainment eg lap-dancing, pole dancing, stage strip tease:

AS EXISTING Lap + Pole dancing

33. State measures to ensure employees age and right to work in the UK:

AS existing

34. Describe training and welfare policies:

AS For License

Please enclose a copy of the welfare policy for performers (or equivalent document).

35. Please set out any further information you wish the authority to take into account.

36. Is there any information on this form you do not wish to be seen by members of the public?
If so state which information and the reasons why you do not wish it to be seen.

CHECKLIST & ENCLOSURES

Enclosures

I have made or enclosed payment of the fee
I have enclosed three sets of plans of the premises
I have enclosed a drawing of the street elevation of the premises
In the case of an application to transfer the licence, include the completed Consent to Transfer form

DECLARATION

I declare that I have served notice of this application on North Yorkshire Police.
I declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and will remain thereon for a period of 21 days. A copy of the notice and the standard declaration is enclosed.
I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the local press.
A copy of the relevant press edition will be forwarded to the City of York Council Licensing Section.
I understand that if I do not comply with the above requirements my application will be rejected.

Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to an unlimited fine.

SIGNATURES

Signature of applicant or applicant's solicitor or other duly authorised agent, If signing on behalf of the applicant please state in what capacity

Signature
Name (print) A. C. ELLIOTT
Date 19/10/22
Capacity OWNER

Signature
Name (print) M. WILKINSON
Date 19/10/22
Capacity G.M.

Contact name (where not previously given) and address for correspondence associated with this application:

Post town Post code
Telephone number (if any)

If you would prefer us to correspond with you by email, your email address (optional)



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
SCHEDULE 3 AS AMENDED BY POLICING AND CRIME ACT 2009

SEX ESTABLISHMENT LICENCE

The City of York Council hereby grant renewal of a Sex Establishment Licence to:

Ziggy's Ltd
Ella Cottage
Shipton
York
YO30 1AZ

to use the premises known as:

**55 Club
(1st Floor)
53-55 Micklegate
York
YO1 6LJ**

for the purposes of a sex establishment comprising a sexual entertainment venue as defined in Schedule 3 to the above Act.

This Licence is granted subject to the conditions set out in the schedule below.

A fee of £720.00 has been paid for this licence.

This licence shall continue in force from 1 December 2021 until 30 November 2022 unless previously revoked.

Renewal granted on
2 March 2022

Signed
For and on behalf of the
Director of Economy & Place

SCHEDULE

1. A copy of this Licence and any Regulations prescribing standard conditions made by the authority must be kept exhibited in a position visible to customers.
2. Any external indication of the nature of the business is prohibited.
3. The creation of any new windows or other openings in the external structure of the building is prohibited.
4. This licence only covers the first floor of 53-55 Micklegate, York, YO1 6LJ.
5. That the standard hours of opening be limited to Monday to Sunday 21:00 hours to 03:00 hours. Non-standard hours of opening to be extended on York Racecourse Race Days only 18:00 hours to 04:30 hours.
6. Where a Licensee is a body corporate or an un-incorporated body any change of Director, Company Secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change. Such written details as the Council may require in respect of any new Director, Secretary or Manager are to be furnished within 14 days of a request in writing from the Council.
7. The Licensee or a responsible person nominated by him in writing for the purpose of managing the sex establishment in his absence and of whom details (including 2 photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the premises during the whole time they are open to the public. This condition shall be read in conjunction with condition 8 below.
8. The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the sex establishments in his unavoidable absence, and the names and addresses of those employed in the sex establishment. The register is to be completed each day within 30 minutes of the sex establishments opening for business and is to be available for inspection by the Police and by authorised officers of the Council.
9. The name of the person responsible for the management of a sex establishment be he/she the Licensee or a Manager approved by the Council shall be prominently displayed within the sex establishment throughout the period during which he/she is responsible for its conduct.
10. The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.
11. The Licensee shall maintain good order in the premises.
12. A notice stating that persons under the age of 18 may not enter the premises shall be prominently displayed at the entrance.
13. The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
14. No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.

15. Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.
16. A copy of the licence and of these conditions shall be exhibited in a prominent place within the premises where the public may see and read them. These displays shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these conditions shall be retained in a clean and legible condition.
17. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
18. No change between the uses of a sex shop, sex cinema or sexual entertainment venue shall be effected without the consent of the Council.
19. The Licence Holder shall comply with requirements relating to external appearance of the licensed premises as the Council may consider reasonably necessary. The Licensee shall give prior notice to the Council of any proposed change to the external appearance of the premises and shall support the prior notice by the submission of detailed drawings to show the proposed changes.
20. Without prejudice to the generality of condition 19 above, no display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises unless the prior approval of the Council has been received in writing.
21. The entrance doors to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.
22. Windows and openings to the premises other than the entrances shall be obscured in a manner and with such material as may be approved by the Council. Plans and drawings showing the proposed scheme shall be submitted to the Council for prior approval. This condition shall not be construed as lessening the obligation of the Licensee under condition 21 hereof.
23. Lighting in all parts of the premises as approved by the Council shall be in operation continuously during the whole of time that the sex establishment is open to the public.
24. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:
 - a) All doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit".
 - b) Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked "Private".
 - c) Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.

25. No fastening of any description shall be fitted upon any booth or cubicle within the sex establishment nor shall more than 1 person (including employee be present in any such booth or cubicle at any time).
26. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
27. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.
28. The premise will be conducted in a decent, sober and orderly manner at all times. Steps will be taken to ensure that none of the following takes place:
 - a) indecent behaviour including sexual intercourse
 - b) the offer of any sexual or other indecent service for reward
 - c) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.
 - d) any acts of violence against persons or property and/or the attempt or threat of such act likely to cause a breach of the peace.
29. All performers shall be over 18 years of age.
30. Notices to be displayed within the premises and at the entrance informing customers of the "House Rules" that affect them and a warning that "adult entertainment" is provided within the premises.
31. Written information shall be given to the dancers/entertainers advising them of the house rules for performers and customers and possible consequences of failure to comply.
32. Adult entertainment shall not take place in a location that could be viewed from outside the premises.
33. Advertising of adult entertainment either on the premises or otherwise shall not include any photographs or images which indicate that entertainment involving nudity or sexual performance takes place on the premises.
34. CCTV for both monitoring and recording shall be installed, maintained and operated in accordance with Data Protection guidelines and will cover all areas where dancing takes place, including each dance booth. All cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a period of 28 days with times and dates indicated. These recordings shall be kept secure and shall be made available to an authorised officer of the Local Authority or a Police Officer on request. The new CCTV system must be in place by 1st June 2015.
35. Performers shall be provided with separate dressing/changing rooms which shall be located so as to be separate and set apart from the public facilities. No person other than performers and authorised staff will be allowed in or near the dressing/changing room. Safe and controlled access to the dressing/changing room will be maintained at all times.
36. There shall be at least one female member of staff authorised to be responsible for the safety and welfare of the performers.

37. At least two SIA (Security Industry Authority) registered door supervisors shall be present when the sexual entertainment premises are open to the public with one SIA door supervisor being positioned on the first floor landing throughout the performance (therefore being present in the area in which the performance takes place) and one at the main entrance to the premises on the ground floor.
38. Dance entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose. Audience participation shall not be permitted.
39. Dance entertainment shall only be performed in the areas of the club as marked on the plans deposited with the Licensing Authority and with the Authority's approval. These areas can only be changed with the approval of the Licensing Authority.
40. If performers are invited to have a drink with a customer, the performer will remain fully clothed during this period. Performers will not be paid commission on the sale of beverages.
41. On leaving the premises performers will be escorted to their transport by a door supervisor.
42. Adult entertainment shall not take place before 21:00, except for York Race Days as specified elsewhere in the licence.
43. The premises licence holder shall ensure that the house rules for both customers and performers are strictly adhered to.
44. Dancers will be provided with separate secure dressing rooms, facilities to secure valuables and proper sanitation facilities. No person other than performers and authorised staff will be allowed in or near the dressing rooms, therefore safe and controlled access will be maintained at all times.

ANNEX 1

House Rules (Customers)

1. Dancers may only dance to seated customers.
2. Customers must remain clothed at all times.
3. Dancers must not be touched by the customer while they are dancing except for the placing of gratuities into the hand or garter of the dancer at the beginning or conclusion of the performance.
4. No person shall take any video recordings or photographs by any means of the authorised adult entertainment.
5. No persons other than performers and authorised staff shall be permitted in the dressing/changing rooms.
6. Dancers shall re-dress at the conclusion of the performance.
7. Customers who fail to comply with these rules shall be removed from the premise by the management or security staff
8. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.
9. The duty manager and security staff will ensure that all customers and performers adhere to the house rules.

ANNEX 2

House Rules (Performers)

1. All performers shall be over 18 years of age. Prior to engagement all performers will provide documentation that they are aged 18 years or over. Checks will be made to make sure the necessary legal work permits to work in the United Kingdom are in place. Should performers be employed from an agency the same checks will be carried out. Management shall keep written record of these checks which shall be available to authorised officers of the council and the Police.
2. No performer shall be allowed to work, if under the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.
3. No performance shall involve the use of sex articles, as defined in the Local Government (Miscellaneous Provisions) Act 1982.
4. Performers shall not use any props or clothing in the act which portrays them as a minor.
5. Garters worn for the collection of gratuities shall be situated no higher than mid thigh.
6. Dancers shall re-dress at the conclusion of the performance and are to remain clothed (minimum bikini top and bottoms) at all times except when giving a performance.
7. Performances of adult nature must be restricted to the designated areas.
8. All staff and performers are forbidden to give personal details including real name and address or other contact details of any other performer or staff member to a customer. Performers are strongly advised not to pass their own personal details to customers.
9. The duty manager and security staff will ensure that all customers and performers comply with the house rules.

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**ANNEX 3**

**LICENSING ACT 2003
PREMISES LICENCE**

**Schedule 12
Part A**

Premises licence number CYC - 009397

Part 1 Premises details

Postal address of premises:

Ziggy's Nightclub Limited
53-55 Micklegate

Post town: **York**Post code: **YO1 6LJ**

Telephone number: 01904 620602

Expiry date: This licence has no expiry date.**Licensable activities authorised by the licence:**

Films
Live Music
Recorded Music
Performances of Dance
Activities like music/dance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:**FILMS**

Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

LIVE MUSIC
Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

RECORDED MUSIC
Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

PERFORMANCES OF DANCE
Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

ACTIVITIES LIKE MUSIC/DANCE
Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

LATE NIGHT REFRESHMENT
Indoors

Monday 23:00 - 05:00	Tuesday 23:00-05:00	Wednesday 23:00-05:00	Thursday 23:00-05:00
Friday 23:00-05:00	Saturday 23:00-05:00	Sunday 23:00-05:00	

SUPPLY OF ALCOHOL

Monday 10:00-04:30	Tuesday 10:00-04:30	Wednesday 10:00-04:30	Thursday 10:00-04:30
Friday 10:00-04:30	Saturday 10:00-04:30	Sunday 10:00-04:30	

Non Standard Timings for Films, Live Music, Recorded Music, Performance of Dance and Activities like Music/Dance:

On York Racecourse race days 10:00 - 06:00

An additional hour on the morning clocks go forward.
Non Standard Timings for Supply of Alcohol:

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

On York Racecourse race days 10:00 - 05:30
An additional hour on the morning clocks go forward.

The Opening Hours of the Premises

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

Non Standard Timings:

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

On York Racecourse race days 10:00 - 06:00

An additional hour on the morning clocks go forward.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premise licence:

Name: Ziggy's Nightclub Limited

Address: 53-55 Micklegate
York
YO1 6LJ

Telephone number: [REDACTED]

Email address: [REDACTED]

Registered number of holder, for example company number, charity number (where applicable):

03540561

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Andrew Gregory Elliott

Address:

[REDACTED]

Telephone number:

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

City of York Council
CYC 010177

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where –

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

- (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

3. Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Embedded Restrictions

STANDARD PRE-EXISTING CONDITIONS APPLICABLE TO ON LICENCE WITH NO CHILDREN'S CERTIFICATE

1) The restrictions to permitted hours do not prohibit:

- a) the sale or supply of alcohol to, or consumption of alcohol by, any person residing at the licensed premises
- b) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied
- c) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Private Entertainment

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the City of York Council area, private entertainment for gain may be provided throughout the premises without limitation by virtue of the previous Justices Licence.

Recorded Music

Recorded music may be played throughout the premises without limitation in line with previous provisions as set out in Section 182 of the Licensing Act 1964.

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

1. SIA licensed door staff will be employed at the premises.
2. CCTV cameras cover both the interior and the exits to the club.
3. The premises will participate in any radio link scheme linking a majority of local licensed premises to the police.

4. The maximum occupancy of the premises will be 500 persons.
5. All off sales of alcohol shall be made in sealed containers.

Public Safety

6. Complies with current local authority and fire service safety regulations with regard to emergency lighting, fire alarms and electrical installation checks etc.

Public Nuisance

7. Notices will be displayed at the Micklegate exit asking customers to leave the premises quietly.
8. During the operation of amplified equipment and regulated entertainment all doors, including fire doors, shall be kept shut when not in use. With the exception to the front door which may remain open during opening hours, providing that the noise emanating does not cause a nuisance to any noise sensitive premises.
9. Notices will be displayed in the car park asking customers to have regard for neighbours by leaving the area quietly.

Protection of Children from Harm

10. No under 18s are allowed on the premises unless at an arranged under 18 event run in conjunction with the local authority and police.
11. Proof of age scheme is in operation.

Annex 3 – Conditions attached after a hearing by the licensing authority

Review Conditions

1. All music in the basement area shall be via the dBX DriveRack PA noise limiter or similar noise limiter to be agreed with City of York Council's Environmental Protection Unit prior to use.
2. Prominent, clear and legible signs shall be displayed in the DJ area to inform DJs that all music is to be played through the noise limiter provided.
3. An alarm system shall be installed and be operational during hours of opening to the public which alerts staff when the rear fire door has been opened.
4. Prominent, clear and legible notices shall be displayed on all fire exits stating that fire exits are for emergency use only.
5. Documented patrols shall be carried out by members of staff at no less than hourly intervals during the hours of opening to the public. These checks shall be undertaken outside the building to the front and rear to check for noise from inside the premises and noise from customers outside the venue to ensure compliance with Condition 8.
6. Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years.

7. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.
8. No music or amplified sound shall be audible at the boundary of the car park to the rear of the premises.
9. During hours the premises is open to the public, fire doors shall be fitted with non-locking restrictions which prevent their opening except in an emergency.

Hearing Conditions

1. There will be no entry / re-entry to the premises (save for persons who have gone to the designated smoking area) after 04:00hrs.
2. A CCTV system will be installed and maintained at the premises. Images will be retained for a minimum period of 28 days and be made available to officers of the responsible authorities on request.
3. The outside smoking area will be monitored by a designated member of staff whose duty it is to ensure that no disturbance is caused by those using the smoking area.
4. The premises will operate a written queuing and dispersal policy to ensure customers leave quietly. That policy will be operated and a copy made available to officers of the responsible authorities on request.
5. Bottle bins will be emptied between 09:00hrs and 23:00hrs.
6. All windows and doors opening onto the rear car park area of the premises shall be kept closed during regulated entertainment. Except for any door used for access which forms a lobby consisting of a minimum of 2 doors, one at each end of the lobby. These lobby doors shall be kept closed except for ingress and egress and fitted with a self closing device.
7. In relation to Review Condition 5. The documentation of patrols shall be made in the course of the patrol or on completion of each patrol. The patrol documents shall be kept for a minimum of 3 months and made available to the Licensing Authority or any responsible authority on reasonable request.

Annex 4 – Approved Plan

Plan Number Y-BSP-3422-13-100

For and on behalf of
The Director of Economy & Place

Licensing Services
Hazel Court EcoDepot
James Street
York

Date: 23/07/2015
17/01/2020 (Transfer & DPS Variation)

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing



YO10 3DS

PREMISES LICENCE SUMMARY**Part B****Part 1 Premises details**

Premises licence number CYC - 009397

Postal address of premises:

Ziggy's Nightclub Limited
53-55 Micklegate

Post town: **York**Post code: **YO1 6LJ**

Telephone number: None

Where the licence is time limited the date:

This licence has no expiry date.

Licensable activities authorised by the licence:

Films
Live Music
Recorded Music
Performances of Dance
Activities like music/dance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

FILMS

Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

LIVE MUSIC

Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

RECORDED MUSIC

Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

PERFORMANCES OF DANCE

Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

ACTIVITIES LIKE MUSIC/DANCE

Indoors

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

LATE NIGHT REFRESHMENT

Indoors

Monday 23:00 - 05:00	Tuesday 23:00-05:00	Wednesday 23:00-05:00	Thursday 23:00-05:00
Friday 23:00-05:00	Saturday 23:00-05:00	Sunday 23:00-05:00	

SUPPLY OF ALCOHOL

Monday 10:00-02:30	Tuesday 10:00-02:30	Wednesday 10:00-02:30	Thursday 10:00-02:30
Friday 10:00-02:30	Saturday 10:00-02:30	Sunday 10:00-02:30	

Non Standard Timings for Films, Live Music, Recorded Music, Performance of Dance and Activities like Music/Dance:

On York Racecourse race days 10:00 - 06:00

An additional hour on the morning clocks go forward.
Non Standard Timings for Supply of Alcohol:

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

On York Racecourse race days 10:00 - 05:30
An additional hour on the morning clocks go forward.

The Opening Hours of the Premises

Monday 10:00-05:00	Tuesday 10:00-05:00	Wednesday 10:00-05:00	Thursday 10:00-05:00
Friday 10:00-05:00	Saturday 10:00-05:00	Sunday 10:00-05:00	

Non Standard Timings:

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

On York Racecourse race days 10:00 - 06:00

An additional hour on the morning clocks go forward.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On and off the premises

Name and (registered) address of holder of premise licence:

Name: Ziggy's Nightclub Limited
Address: 53-55 Micklegate
York
YO1 6LJ

Registered number of holder, for example company number, charity number (where applicable):

03540561

Name of designated premises supervisor where the premise licence authorises the supply of alcohol:

Mr Andrew Gregory Elliott

State whether access to the premises by children is restricted or prohibited

In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

No under 18s are allowed on the premises unless at an arranged under 18 event run in conjunction with the local authority and police.

For and on behalf of
The Director of Economy & Place

Date: 23/07/2015
17/01/2020 (Transfer & DPS Variation)

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

ANNEX 4

Standard Conditions

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act 2003 premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
3. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
5. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

Exhibition of the licence

6. The licence or a certified copy must be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence must be kept on the premises and be available for inspection by an authorised officer of the Council.

Hours of opening

7. Except with the written consent of the council, the premises will only open to the public during the following hours:
 - Monday 21:00 – 03:30
 - Tuesday 21:00 – 03:30
 - Wednesday 21:00 – 03:30

- Thursday 21:00 – 03:30
- Friday 21:00 – 04:30
- Saturday 21:00 – 04:30
- Sunday 21:00 – 03:30

Conduct of the premises

8. Relevant entertainment will only be performed by the dancer. There must be no audience participation.

9. Dancers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached.

10. There must be no physical contact (touching) by a customer of a dancer while a performance is taking place, except for the placing of gratuities into the hand of the dancer at the beginning or conclusion of the performance. A dancer may have physical contact with the customers while the performance is taking place, this is restricted to touching the customers knees (including sitting on their knee), lower legs, upper chest, arms, face and head. There will be no physical contact of the pubic area or genitals.

11. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.

12. Sex toys must not be used and penetration of the genital area by any means must not take place.

13. Dancers shall re-dress at the conclusion of the performance.

14. Customers will not be permitted to throw money at the dancers.

15. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.

16. No person shall take any photographs, videos or other similar recordings (including mobile phones and video streaming) of the authorised relevant entertainment.

External appearance

17. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

**STRICTLY NO ADMITTANCE TO PERSONS UNDER THE AGE OF
18 YEARS OF AGE**

This premises operates a challenge 25 policy.
Persons who appear to be under the age of 25 will be required to show
proof of age.

18. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council in writing before work is undertaken.

19. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.

20. Windows and opening to the premises, other than entrances, shall be obscured in a manner and with such material approved by the council. Door entrances shall also be obscured by blinds or material approved by the council so as to prevent any member of the public from seeing through to the premises whilst relevant entertainment is taking place.

21. External signage will only be illuminated between 9.00pm and 5.00am, and movable signs placed outside the premises will be removed between 4.30am and 9.00pm.

Advertising

22. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.

23. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.

24. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Therefore, the distribution of flyers is only permitted between the hours of 9.00pm and 3.30am. The licensee will remove any leaflets/flyers from the highway within a 100 metre radius of the premises by 5.00am. Flyers must not be distributed by and to persons under the age of 18 years.

Layout of the premises

25. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.

26. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.

27. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

28. Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the council of the satisfactory completion of the work.

29. All parts of the premises shall be well maintained and kept in a clean condition to the satisfaction of the council.

Management of the premises

30. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.

31. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”) will have personal responsibility for and be present on the premises whilst

relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the council or the police.

32. The licensee will ensure that any person nominated by him/her under the above:

a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and

b) is in possession of a written nomination referred to above at all times when they are in charge of the premises.

33. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.

34. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee's control of the premises.

35. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.

36. No person under the age of 18 will be admitted to the premises.

37. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.

38. The licence holder will not employ any person under the age of 18 in any capacity.

39. The licensee will comply with all statutory provisions and any regulations made hereunder.

40. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of practice for the dancers. This code must be given to all dancers and displayed in staff areas. This code must be made available upon request to both the police and authorised officers.

41. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of conduct for customers, this must be printed in a manner which is clear and easy to read during normal operation of the premises. This code must be prominently displayed at each entrance to the premises, at the entrance to any private dance areas and in suitable locations within the licensed premises, such locations to be agreed with the council, such as at bars.

42. Price lists for both drinks and sexual entertainment will be clearly displayed at each entrance to the premises, at each bar and at each table.

43. Suitable and sufficient training will be provided to all staff including the nominated responsible person. The training will be recorded and the training records must be made available upon request to both the police and authorised officers.

44. The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he/she is responsible for its conduct.

Safety and security

45. A colour digital CCTV system will be maintained and operational at the premises at all times when licensable activities are being carried out and at any other times when member of the public are present on the premises.

46. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors, stairways, each dance booth and VIP areas (excluding within toilets and changing rooms). The CCTV system will cover the main entrances and external areas of the premises occupied by the public, for example queuing areas, beer gardens, smoking areas and car parks.

47. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with North Yorkshire Police and the Council.

48. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.

49. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.

50. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.

51. The nominated person (“the manager”) must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.

52. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.

53. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.

54. A minimum of two Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.

55. A refusals/incident/accident register will be maintained and shall record all refusals relating to alcohol, access to the premises and all incidents or accidents.

56. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises, and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.

57. The licensee will maintain good order in the premises at all times, and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

Staff welfare

58. Dancers will be aged 18 years or over.

59. Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:

- a) has not been convicted of theft, drug offences or prostitution
- b) has the right to work in the UK.

The licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.

60. All premises that provide relevant entertainment will provide dancers with copies of the following documents:

- a) A copy of the conditions attached to the Sex Establishment Licence;
- b) Details of any other conditions applied by management of the premises;
- c) A copy of the code of practice for dancers;
- d) A copy of the code of conduct for customers;
- e) Price lists for drinks and sexual entertainment.

61. Dancers will be provided with separate secure dressing rooms, facilities to secure valuables and proper sanitation facilities. No person other than performers and authorised staff will be allowed in or near the dressing rooms, therefore safe and controlled access will be maintained at all times. The documents detailed in condition 60 will be displayed in the dressing rooms.

62. There will be at least one female member of staff authorised to be responsible for the safety and welfare of the dancers. This staff member must on the premises at all times when licensable activities are taking place.

63. All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, any curtains used must be approved by the council in writing.

64. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with a SIA registered door supervisor

working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.

65. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.

66. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.

67. The practice of fining is prohibited.

68. Customers and staff must not be allowed to interact while using the smoking area, and where possible a separate smoking area should be provided for staff. Dancers must be covered up at all times with knee length robes or coats whilst using the smoking areas.

69. Throughout the lap or table dance customers will remain seated and fully clothed, with their hands clearly visible, either resting on the arms of the chair/sofa or on the seat cushion, or customers must be asked to sit on their hands.

70. If a dancer is invited to have a drink with a customer, the dancer will remain fully clothed during this period. Dancers will not be paid commission on the sale of beverages.

71. On leaving the premises dancers will be escorted to their transport by a SIA registered door supervisor.

Vessels, vehicles and stalls

72. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.

73. The requirements of condition 72 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.

74. Vehicles must not be used for personal solicitation, touting or advertising. Variation of conditions

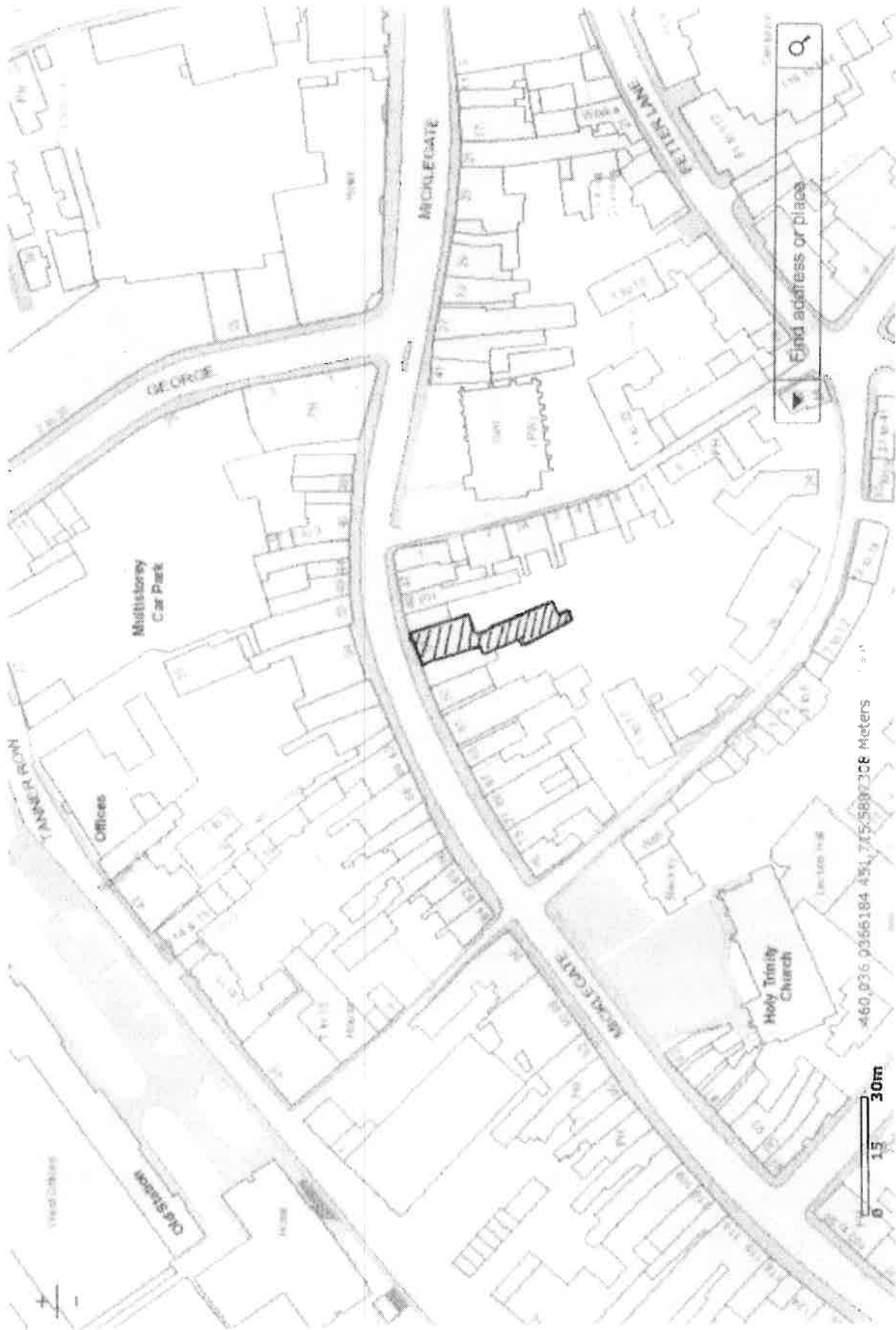
Variation of conditions

75. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.

76. The licensee may apply to the council to vary any of the terms of the licence.

77. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

ANNEX 5



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Legislation and Policy Considerations

1. The following provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) apply to this application:
 - Paragraph 10 (Grant, renewal and transfer of licences for sex establishments) relates to the process which the applicant must have followed for the application to be considered valid.
 - Paragraph 12 (Refusal of licences) relates to the grounds under which an application shall not be granted and also describes the powers by which the licensing authority has a discretion to refuse the licence.
 - Paragraph 13 (Power to prescribe standard conditions).

2. The following provisions of the Home Office Guidance apply to this application:
 - Paragraphs 3.23 – 3.24 (Objections) explain who can object and how this is done and that the applicant must be made aware of the general grounds for the objection before the application is determined.
 - Paragraphs 3.25 – 3.26 (Hearings) explain that the applicant must be given the opportunity to appear and be heard in front of the sub-committee considering the application. Schedule 3 does not make any explicit provision for objectors to be heard, this is left to the discretion of the appropriate authority.
 - Paragraphs 3.27 – 3.31 (Grounds for refusal).
 - Paragraphs 3.32 – 3.38 (Relevant locality) define the meaning of “relevant locality” and the powers of the appropriate authority to decide the maximum number of premises allowed in a particular locality.
 - Paragraphs 3.39 – 3.42 (Licence conditions) explain that once the decision is made to grant, the appropriate authority can attach conditions specific to the individual premises and/or standard conditions for the particular type of establishment. These conditions should not duplicate conditions placed on a premises licence issued under the Licensing Act 2003 and should be appropriate to the activities authorised by the licence.
 - Paragraphs 4.19 – 4.21 (European Convention on Human Rights) explain whilst applications from existing operators can be refused on one or more grounds set out in paragraph 12 of schedule 3 of the 1982 Act, account must be taken of rights existing operators may have under Article 1 of Protocol 1 to the European Convention

which protects the peaceful enjoyment of their possessions (including licences) and article 10 (freedom of expression).

4. City of York Council's Policy for the Licensing of Sex Establishments Licensing Policy and the Standard Conditions for Sexual Entertainment Venues applies to this application.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.
7. The Committee is reminded that it must comply with the Council's Public Sector Equality Duty (as required to do so under s.149 of the Equality Act 2010), and have due regard to the potential impact on gender equality.

NOTE FOR MEMBERS

Extracts from Home Office Guidance for England and Wales relating to Sexual Entertainment Venues.

3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

Hearings

3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.

3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

Refusal of a Licence

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- a) to a person under the age of 18;

- b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.28 A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard -
 - i. to the character of the relevant locality;
 - ii. to the use to which any premises in the vicinity are put; or
 - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

3.31 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it if one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding two sex establishments 200 miles away from one another were in the same locality. Case law indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the ‘character’ of the relevant locality

and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

Licence Conditions

3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.

3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licence or clubs premises certificates and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.



Licensing & Regulatory Committee

21 December 2022

Report from the Director – Environment, Transport and Planning

Local Government (Miscellaneous Provisions) Act 1976 Part 2, Section 55, Licensing of Operators of Private Hire vehicles

Application for a Private Hire Operators licence

Summary

1. This report seeks Members' determination of an application for a Private Hire Operators Licence. The operating premises will be situated at 39 Layerthorpe, York YO31 7UZ.
2. Name of applicant: Christopher Hall, 57 Taxis Limited which trades as "Drive".
3. Summary of Application: A copy of the application is attached at Annex 1 of this report and is summarised as follows. This is an application for the grant of a Private Hire Operators Licence, the applicant wishes to operator private hire vehicles from 39 Layerthorpe, York YO31 7UZ under the trading name of Drive Ltd.
4. The council must determine an application for an operator's licence on its own merits in accordance with the legislative framework, taking the application form, any supporting documentation and relevant information into consideration.
5. By way of legislation, the Council may require any applicant for a licence to submit to them such information as they may reasonably consider necessary to enable them to determine if the licence should be granted and whether conditions should be attached to any such licence.
5. Section 55 of Local Government (Miscellaneous Provisions) Act 1976 allows for the grant of a Private Hire Operator's Licence, and states that the licence is to remain in force for five years or for such lesser period as the Council thinks is appropriate in the circumstances of the case. Members of this Committee determined in February 2021, to issue licences for a maximum period of 12 months until such time that the

Taxi Licensing Policy is reviewed, the Policy is currently in the process of being reviewed.

6. The premises has planning permission for the use as a Private Hire operating company. A copy of the planning permission is attached at Annex 2 of this report.
7. The premises is currently operating as a licensed private hire operator (659 Taxis), the applicant is in the process of purchasing the business. Legislation in this case, does not allow for a transfer of a private hire operator's licence, therefore an application for the grant of an operator's licence is required.
8. The hours of operation are to be 24 hours every day of the week.

Recommendations

9. Members are asked to determine the application for a new licence in accordance with Section 55, (Licensing of Operators of Private Hire vehicles) of the Local Government (Miscellaneous Provisions) Act 1976 Part 2.

Reason: To consider the application for a new private hire operator's licence as required by the legislation.

Background

10. In March 1996 City of York Council (The Council) adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). This legislation, together with the provisions of the Town Police Clauses Act 1847 (the 1847 Act), places on the Council the duty to carry out its licensing function in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. The Council is also responsible for the setting of Byelaws in relation to hackney carriage drivers and vehicles.
11. City of York Council's Taxi Licensing Policy (the Policy) was reviewed, and a revised policy was adopted by the Council's Executive on 26 September 2019, with an implementation date of 1st of October 2019.
12. The adoption of the legislation and the Policy allows the Council to set conditions on the grant of a Private Hire Operators Licence. A copy of City of York Council's Standard Conditions for Private Hire Operators is attached at Annex 3.

13. The Council may also attach such conditions on a Private Hire Operator's Licence as it considers reasonably necessary.
14. Private hire operators are defined in the legislation as:
'a person who in the course of business makes provision for the invitation or acceptance of bookings for private hire vehicles.'
15. The applicant currently holds private hire operator's licences issued by:
 - Hull City Council;
 - Doncaster Council; and
 - City of Wolverhampton Council
16. The Deregulation Act of 2015 amended the Local Government (Miscellaneous Provisions) Act 1976, allowing a person licensed as a Private Hire Operator (under section 55) in one district who has accepted a booking for a private hire vehicle, may arrange for another person to provide a vehicle to carry out the booking if:-
 - (a) the other person is licensed under section 55 in respect of the same district and the sub-contracted booking is accepted in that district;
or
 - (b) the other person is licensed under section 55 in respect of another district and the sub-contracted booking is accepted in that district;
17. There is a potential that bookings may be sub-contracted to an operator out of district to carry out the journey. For the avoidance of any doubt, such a practice is considered lawful and an operator should not be considered 'unfit' purely on this basis.
18. A similar situation has arisen previously, due to this situation the Council agreed to additional conditions being applied to operator licences. A copy of the additional conditions can be found at Annex 4. Member may wish to consider all, some or modified versions of these conditions.
19. A council shall not grant a licence unless they are satisfied:-
 - (a) that the applicant is a fit and proper person to hold an operator's licence; and
 - (b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.

20. The applicant has undertaken the relevant criminal records check and submitted the correct documentation required to determine the application.
21. Annex 5. Provides a map showing the location of the premises.
22. Annex 6. Provides legislation extracts of the Local Government (Miscellaneous Provisions) Act 1976.

Consultation

23. There is no requirement within the 1976 Act for a consultation to take place in relation to application for the grant of private hire vehicle, driver or operator licences. Therefore a consultation has not taken place in relation to this application.

Options.

24. By virtue of paragraphs 55, and 57 of the Local Government (Miscellaneous Provisions) Act 1976, the Committee have the following options available to them in making their decision:
25. Option 1: Grant a private hire operator's licence as requested, with the standard and additional conditions attached for a period of one year.
26. Option 2: Grant the private hire operator's licence with modified / additional conditions imposed by the licensing committee for a period of one year.
27. Option 3: Refuse the application providing the grounds for refusal.

Analysis.

28. In the event that the application is refused the applicant has the right of appeal to the Magistrates' Court within 21 days.
29. There is also a right to appeal to the Magistrates' Court against the imposition of conditions on a licence.

Council Plan.

30. The Council's Plan is to provide safe communities and culture for all, and a good quality of life for everyone. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications.

31. The implications arising directly from this report are:

- **Financial** – There are no direct financial implications.
- **Human Resources (HR)** – There are no HR implications.
- **Equalities** – There are no equalities implications.

- **Legal** –

The Local Government (Miscellaneous Provisions) Act 1976 provides the legislative framework for the licensing of private hire operators. Section 55 of the Act deals with the licensing of operators. Whilst this Act expressly refers to ‘district council’ the provisions within this legislation are in force in relation to the council as a unitary authority. It provides that:

“(1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator’s licence:

Provided that a district council shall not grant a licence unless they are satisfied –

- (a) that the applicant is a fit and proper person to hold an operator’s licence; and
- (b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant’s immigration status from operating a private hire vehicle.

(1A) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant’s immigration status from operating a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State.”

Section 55(2) provides that: “Subject to section 55ZA, every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.”

Section 55(3) provides that “A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary”.

The applicant has the right to appeal the refusal to grant an operator’s licence and any conditions imposed to the Magistrates’ Court.

Members should also take into consideration the Department of Transport's 'Statutory Taxi & Private Hire Vehicle Standards' when considering whether a person is 'fit and proper' to hold a licence.

The Licensing authority has a duty to ensure that any person to whom it grants an operator's licence is a 'fit and proper' person to be a licensee.

- **Crime and Disorder** – There are no crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

Risk Management.

32. All Members are aware that any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of reputation and potential financial penalty.
33. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with the proper grounds for considering the application as set out within this report, there are no known risks involved with this recommendation.

Contact Details.

Author:
David Cowley
Taxi Licensing Manager
Ext 2422

Chief Officer Responsible for the report:
James Gilchrist
Director Environment, Transport & Planning

**Report
Approved**



Date 13/12/22

Wards Affected: Guildhall Ward

Background Papers

Taxi Licensing Policy –

<https://www.york.gov.uk/downloads/download/54/taxi-licensing-policy>

Annexes

- Annex 1** - Copy of application for Private Hire Operators Licence.
- Annex 2** - Copy of current planning permission.
- Annex 3** - A copy of City of York Council's Standard Conditions for Private Hire Operators.
- Annex 4** - A copy of the additional conditions.
- Annex 5** - Map showing location of premises.
- Annex 6** - Legislation extracts.

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APPLICATION FOR THE INITIAL GRANT OF A PRIVATE HIRE VEHICLE OPERATOR'S LICENCE

WARNING

It is an offence for an applicant knowingly or recklessly to make a false statement or to omit any material information in order to obtain a licence. Such action will reflect on the suitability of the applicant to hold such a licence.

Please complete all sections

Full Details of Applicant

Title: Mr / Mrs / Miss / Ms / Other Name: Christopher Mall

Address: [REDACTED]

Postcode: [REDACTED]

Telephone no: [REDACTED] Mobile no: [REDACTED]

Email address: [REDACTED]

Date of birth: [REDACTED] Place of birth: [REDACTED]

National Insurance No: [REDACTED] Do you have the legal right to work in this country? YES / NO

If the applicant proposes to operate the vehicle(s) in partnership with any other persons, please state the name and address of each partner.*

Title: Mr/Mrs/Miss/Ms/Other Name:

Address:

Postcode:

Telephone no: Mobile no:

Email address:

Date of birth: Place of birth:

National Insurance No: Do you have the legal right to work in this country? YES/NO
If required please continue on a separate sheet*

Has any applicant had an application to any Local Authority for the grant or renewal of a Private Hire Operator/Driver or Hackney Carriage Driver Licence refused, or had a licence revoked or suspended?
YES / NO

If yes please give details:

Name of Local Authority:

Dates: Type of Licence:

Decision & Reasons:

Registered Company Details

Is the application being made in respect of a registered company? YES / NO

Has any director or secretary previously applied for any operator licence?
If Yes please give details YES / NO

Hull City Council (License N°3) City of Doncaster Council
(LN/202100723) Wolverhampton Council (PHOP 324)

Registered Company Name: S7 Taxis Limited

Please provide the company's number, issued by Companies House: 05634425

Registered Company Address: 10-12 Princes Avenue, Hull

Postcode: HU5 3QA

Telephone no: 01482 575757 Email address: chris@drivetaxis.co.uk

Director's name and address: [REDACTED]

Postcode: [REDACTED]

Secretary's name and address: Dawn Pennock, [REDACTED]

Postcode [REDACTED]

Has there been any **revocation or suspension** of any operator licence previously held? YES / NO
If Yes, please give details

Has the Director or Secretary of the company ever received a conviction? YES / NO
If Yes, please give details*

Company Name	Trade of Business	Date	Court	Offence	Penalty

If required please continue on a separate sheet*

Business Premises

Name of Private Hire Company: Drive (S7 Taxis Ltd t/a)

Name which will be displayed on vehicle door signage: Drive

Business/Operating Address: 39 Layerthorpe, Heworth, York

Postcode: YO31 7UZ

Telephone no: 01904 659 659 Email address: York@drivetaxis.co.uk
(This is the telephone no. at the operating address and cannot be a mobile telephone no.)

Have you obtained planning permission to operate Private Hire Vehicles from this address? YES / NO

If Yes, please state the planning application no: Existing planning in place

If No, you cannot continue until you have this in place or a letter confirming that permission is not required.

Does any person connected with this application hold either of these licences?

Hackney Carriage YES / **(NO)** Private Hire **(YES)** / NO

If yes, please give brief details:

Issuing Authority: Wolverhampton Type of Licence: Private Hire

Date of Issue: 11/05/22 Date of Expiry: 10/05/25

Issuing Authority: Type of Licence:

Date of Issue: Date of Expiry:

Issuing Authority: Type of Licence:

Date of Issue: Date of Expiry:

If required please continue on a separate sheet*

You are required to declare every offence for which you have been convicted or received a formal caution from the Police, whether or not it is spent within the terms of the Rehabilitation of Offenders Act 1974.

Have you or any person mentioned in this application ever been convicted in any court for any offence or offences including driving offences and fixed penalty offences or received a formal caution? **(YES)** / NO

If YES, please declare below all convictions and cautions (continue on separate sheet if necessary)

Person	Date	Court	Offence	Penalty
C Hall	20/6/20	9970	SPSO	3 Points.

If required please continue on a separate sheet*

You may wish to explain any mitigating circumstances which gave rise to the conviction. You are invited to do so in the space below.

.....

.....

.....

Please state number of vehicles to operate from this company:

(Please indicate number of vehicles applicable by ticking the appropriate box)

- 1 to 10 vehicles (Please specify exact number between 1 and 10)
- 11 to 50 vehicles
- 51 to 90 vehicles
- 91+ vehicles

If you have or hold a licence with another authority
Please provide your HMRC digital tax check code:



We are unable to process your application for a licence if you do not provide a tax check code.
The Finance Act 2021, Schedule 33 (Licensing Authorities: Tax Information) Regulations 2022.

Confirming you understand your tax responsibilities:- If you have not held a licence with any other authority you are required to read HMRC guidance on what you need to do to be properly registered for tax in the future.

<https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>

DECLARATION

In connection with the Council granting me a Private Hire Vehicle Operator's Licence, I undertake that:-

- a) I will comply with all other conditions, regulations and byelaws, copies of which I have received and read.
- b) I have read and understand the implications of the warning regarding the making of a false declaration in relation to this application and confirm that to the best of my knowledge the particulars I have provided with this application are correct.
- c) I have read and understand the City of York Council's Taxi Licensing Privacy Notice.
- d) I have read HMRC guidance on what I need to do to be properly registered for tax in the future.

Signed:



Date: 7th December 22

Name:

Christopher Hall

This authority requires the requested information in order to process your application for a licence. It has a duty to protect and safeguard the public and therefore may share the information you have provided on this form. For details of the information we collect and how we use it, please see the Taxi Licensing Privacy Policy on our website <https://www.york.gov.uk/privacy/TaxiAndPrivateHireLicensing>

This authority is under a duty to protect the public funds it administers. We may share information internally and externally with other organisations responsible for auditing or administering public funds, or where undertaking a public function, in order to prevent and detect fraud. We may also disclose information to a Specified Anti-Fraud Organisation for the purpose of preventing fraud under Section 68 of the Serious Crime Act 2007.

Contact Name (where not previously given) and address for correspondence associated with this application:

.....

..... Postcode:

Telephone no: Email address:

*Any additional provided must be attached to this application and signed and dated by the applicant.

Please return the completed form to:

Our address is: Taxi Licensing, City of York Council, Eco Depot, Hazel Court, York, YO10 3DS

Our email address is licensing@york.gov.uk Our telephone number is (01904) 552422

The licence fee must be paid when you return the application form.

DATE RECEIVED IN OFFICE:

PRIVATE HIRE OPERATOR'S LICENCE NO.

FOR HOW MANY VEHICLES:

Tax checked Date..... RTW checked Date.....
ST DBS checked Date.....

PERIOD OF LICENCE:- FROM: TO:

DATE ISSUED: SIGNED:

RECEIPT NO. FEE PAID: DATE PAID:

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Extract Planning Register – 6/12/2022

Approve Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:



Application at:

39 Layerthorpe York YO31 7UZ

For:

Renewal of planning permission 00/01451/FUL for change of use of part of first floor from vacant office to taxi/private hire booking office

By:



Application Ref No:

01/02395/FUL

Application Received on:

15 October 2001

CONDITIONS OF APPROVAL:

1 This use shall cease by 09.12.2002 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the surrounding area.

2 This permission shall operate only for the benefit of Six Five Nine Taxis and the use hereby approved shall terminate at such time as they cease to occupy the premises.

Reason: The development may not be acceptable if exercised by other persons without the prior written consent of the Local Planning Authority.

3 The use shall only operate in conjunction with the car park at the Frog Hall P.H., 87 Layerthorpe and shall cease if this should ever become unavailable.

Reason: In recognition of the essential need for off-street parking for this type of operation.

4 Taxis shall not collect fares from the front of these premises.

Reason: In the interests of highway safety.

Date: 7 December 2001



Extract from Planning Register – 6/12/2022

Approve Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

**Application at:
For:**

39 Layerthorpe York YO31 7UZ
Removal of condition 3 of planning approval
01/2395/FUL that the use shall only operate in
conjunction with the car park at the Frog Hall
P.H., 87 Layerthorpe and shall cease if this
should ever become unavailable.

By:

Application Ref No: 02/01218/FUL
Application Received on: 26 April 2002

CONDITIONS OF APPROVAL:

1 The development shall be begun not later than the expiration of five years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990.

2 The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted and later amended by the letter received on 11 June 2002, or as may otherwise be agreed in writing with the Local Planning Authority.

Reason: To achieve an acceptable form of development.

3 This permission shall operate only for the benefit of Six Fine Nine Taxis and the use hereby approved shall terminate at such time as they cease to occupy the premises.

Reason: The development may not be acceptable if exercised by other persons without the prior written consent of the Local Planning Authority.

4 Taxis shall not collect fares from the front of these premises.

Reason: In the interests of highway safety.

Date: 18 June 2002

Appendix 11**Private Hire Operators' Licence Conditions**

1. All applicants are required to complete an application form and are reminded that it is an offence to knowingly or recklessly make any false statement or omit relevant information.
2. The Booking Office premises of a Private Hire Operator shall be approved by the Council and shall conform to all Planning Regulations and other legal requirements in respect of business premises. Details must be provided of where vehicles will be parked when waiting for bookings. In the event that it is found that the Booking Office is operating without all necessary planning consents or in breach of planning conditions, the Private Hire Operator's licence will be deemed suspended until planning consent is obtained.
3. The current Private Hire Operators licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Council for amendment.
4. The licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office. This policy will be produced to the Council annually.
5. The licensed Operators, who have employees, shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment. This policy will be produced to the Council annually.
6. During the currency of the licence, the Operator shall notify the Council in writing within 7 days of any temporary change of residence which is for a period in excess of 21 days.
7. The licensed Operator shall inform the Council within 14 days of any change of the partners or Directors of the company, or any change on the Secretaryship or Chairmanship thereof.
8. Each Operator, when disposing of any business interest, shall within 14 days give notice in writing to the Council that the business registered in his/her name has terminated.
9. The licensed Operator must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent from the business for 15 days or more.
10. The licensed Operator will ensure that the Council has his/her most up to date contact details, including a mobile telephone number and email address. There should also be a generic email address for the company.
11. The licensed Operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire vehicle licence number, plate number, registration number and make and model of all hackney carriages/private hire vehicles operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.

12. The licensed Operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire driver's licence number, badge number, personal identity code name or number and name and address of each driver operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.
13. The licensed Operator shall make sure that hackney carriage/private hire vehicles and driver's operating from his/her office have had their licence renewed by the Council.
14. The licensed Operator shall display in a prominent position visible to customers visiting his premises at his place of business a list of fares and booking fees chargeable by the Operator. The Council shall be supplied with an up to date list of fares within 14 days of any changes made.
15. The licensed Operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I. licence and the licensed Operator must allow the Council access to inspect all equipment and D.T.I. licenses.
16. The licensed Operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a hackney carriage/private hire vehicle, including any booking accepted at the request of another Operator.

The record must be kept in the form of a log sheet or computer database detailing in particular:-

- a) The date and time of each booking
- b) The name and address of the hirer (if known)
- c) The dates, time and place of the commencement of each hiring
- d) The destination
- *e) The vehicle licence number and the name of the driver
- f) For booking transferred to another operator, details of that operator and information detailed in point 'e' above

(* This information may be given by reference to an incorporated code)

All records shall be maintained and kept up to date at all times, and shall be available for inspection at all reasonable times, without notice, by an Authorised Officer, the Police or DVSA. For the purpose of further investigation, records may be removed from the premises if so required or copied.

17. The licensed Operator shall keep a register of complaints by the public for a period of not less than 12 months.
18. Upon receiving a complaint or allegation regarding any person licensed by the Council in relation to the following matters:
 - a) sexual misconduct, sexual harassment or inappropriate sexual attention

- b) racist behaviour
- c) violence
- d) dishonesty
- e) breaches of equality

the licensed Operator shall report it immediately to the Council when the taxi licensing office is open.

19. The licensed Operator is not permitted to accept bookings forwarded by their private hire drivers.
20. Private hire operators must provide the Council with a current table of fares, including mileage fare chart.
21. If used, private hire operators must make sure all meters and PDA systems are calibrated to the correct fare scale.
22. The licensed Operator shall provide a prompt, efficient and reliable service to members of the public at all times, ensuring that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicles shall, unless delayed, attend punctually at that time and place.
23. The licensed Operator remains accountable for service delivery even upon the transfer of a booking to another licensed Operator.
24. The maximum number of vehicles that may operate from the licensed Private Hire Booking Office are detailed on this licence, this number will not be exceeded without prior written notification to the Council.

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Annex 4 - A copy of the additional conditions.

The licence shall be subject to the following additional conditions:

- (a) Not to recruit any driver licensed by any other authority onto the operator's platform who is known to have taken and failed the York Knowledge and Safeguarding Test within the previous 3 years, unless the driver has subsequently passed the test.
- (b) To require any other authority-licensed drivers who wish to be recruited onto the operator's platform to state if they have previously taken and failed the York knowledge and safeguarding test within the previous 3 years. Drivers' answers to be verified with the City of York Council.
- (c) To require any other authority-licensed drivers who wish to be on-boarded to the operator's platform to sign an appropriate form (in accordance with the requirements of the GDPR and Data Protection Act 2018) authorising information as to their having taken, or otherwise, the City of York Knowledge and Safeguarding Test, as well the result of any such test, to be given to the operator and/or their representatives.
- (d) The operator will not on-board any other authority-licensed driver if, within three working days of submitting the driver's signed authority by email to the City of York Council, the Council advises by email that the driver has taken and failed the York Knowledge and Safeguarding Test within the previous 3 years and has not subsequently passed the test.
- (e) To require that before fulfilling a sub-contracted booking from the operator, each other authority-licensed driver must complete topographical training, namely 2-3 hours of in-house training consisting of classroom or in-car training, including the York Pedestrian Zone, city centre roads and routes, and important venues such as hospitals, the railway station, tourist attractions, etc.
- (f) To require that before fulfilling a sub-contracted booking from the operator, each other authority-licensed driver must take and pass a driving assessment administered by The Blue Lamp Trust, Green Penny or any such other organisation as may be DVSA

authorised/Fleet Approved to undertake the said driving assessment.

- (g) To keep records of topographical training and driving assessment for each other authority-licensed driver. The said records (including driving assessment certificate) to be kept throughout the period the driver works with the company and for 6 months thereafter. To produce such records on request of an authorised officer of the City of York Council.

Annex 5 - Map showing location of premises.



Annex 5 - Map showing location of premises.



Annex 6 - Legislation extracts.

55 Licensing of operators of private hire vehicles.

- (1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied

(a) that the applicant is a fit and proper person to hold an operator's licence; and

(b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.

(1A) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration status from operating a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State.

- (2) Subject to section 55ZA, every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.
- (3) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.
- (4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court

55ZA Operators' licences for persons subject to immigration control

- (1) Subsection (2) applies if—

(a) a licence under section 55 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”);

(b) the person's leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision); and

(c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.

(2) The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must end at or before the end of the leave period.

(3) Subsection (4) applies if—

(a) a licence under section 55 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period; and

(b) the person's leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).

(4) The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must not exceed six months.

(5) A licence under section 55 ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status from operating a private hire vehicle.

(6) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return the licence to the district council which granted the licence.

(7) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return it to the district council which granted the licence.

(8) A person who, without reasonable excuse, contravenes subsection (6) or (7) is guilty of an offence and liable on summary conviction—

- (a) to a fine not exceeding level 3 on the standard scale; and
 - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
- (9) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (8)(b).
- (10) Regulations under subsection (9) may make transitional, transitory or saving provision.
- (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

55A Sub-contracting by operators

- (1) A person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle may arrange for another person to provide a vehicle to carry out the booking if—
- (a) the other person is licensed under section 55 in respect of the same controlled district and the sub-contracted booking is accepted in that district;
 - (b) the other person is licensed under section 55 in respect of another controlled district and the sub-contracted booking is accepted in that district;
 - (c) the other person is a London PHV operator and the sub-contracted booking is accepted at an operating centre in London; or
 - (d) the other person accepts the sub-contracted booking in Scotland.
- (2) It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the person licensed under section 55 who accepted the booking and the person who made the booking.
- (3) Where a person licensed under section 55 in respect of a controlled district is also licensed under that section in respect of another controlled district, subsection (1) (so far as relating to paragraph (b) of that subsection) and section 55B(1) and (2) apply as if each licence were held by a separate person.

(4) Where a person licensed under section 55 in respect of a controlled district is also a London PHV operator, subsection (1) (so far as relating to paragraph (c) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the London PHV operator were separate persons.

(5) Where a person licensed under section 55 in respect of a controlled district also makes provision in the course of a business for the invitation or acceptance of bookings for a private hire car or taxi in Scotland, subsection (1) (so far as relating to paragraph (d) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the person making the provision in Scotland were separate persons.

In this subsection, “private hire car” and “taxi” have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982.

(6) In this section, “London PHV operator” and “operating centre” have the same meaning as in the Private Hire Vehicles (London) Act 1998.

55B Sub-contracting by operators: criminal liability

(1) In this section—

- “the first operator” means a person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle and then made arrangements for another person to provide a vehicle to carry out the booking in accordance with section 55A(1);
- “the second operator” means the person with whom the first operator made the arrangements (and, accordingly, the person who accepted the sub-contracted booking).

(2) The first operator is not to be treated for the purposes of section 46(1)(e) as operating a private hire vehicle by virtue of having invited or accepted the booking.

(3) The first operator is guilty of an offence if—

- (a) the second operator is a person mentioned in section 55A(1)(a) or (b),
- (b) the second operator contravenes section 46(1)(e) in respect of the sub-contracted booking, and

(c) the first operator knew that the second operator would contravene section 46(1)(e) in respect of the booking.

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Licensing & Regulatory Committee

21 December 2022

Report from the Director – Environment, Transport and Planning

Local Government (Miscellaneous Provisions) Act 1976 Part 2, Section 55, Licensing of Operators of Private Hire vehicles

Application for a Private Hire Operators licence

Summary

1. This report seeks Members' determination of an application for a Private Hire Operators Licence. The operating premises will be situated at Unit 1, Heritage Park, Outgang Lane, York, North Yorkshire, YO19 5UP.
2. Name of applicant: Bilal Husain Iqbal, T/A DASH (Private Hire).
3. Summary of Application: A copy of the application is attached at Annex 1 of this report and is summarised as follows. This is an application for the grant of a Private Hire Operator's Licence, the applicant wishes to operate private hire vehicles from Unit 1, Heritage Park, Outgang Lane, York, North Yorkshire, YO19 5UP.
4. The Council must determine an application for an operator on its own merits in accordance with the legislative framework, taking the application form, any supporting documentation and relevant information into consideration.
5. By way of legislation, the Council may require any applicant for a licence to submit to them such information as they may reasonably consider necessary to enable them to determine if the licence should be granted and whether conditions should be attached to any such licence.
5. Section 55 of Local Government (Miscellaneous Provisions) Act 1976 allows for the grant of a Private Hire Operator's Licence, and states that the licence is to remain in force for five years or for such lesser period as the Council thinks is appropriate in the circumstances of the case. Members of this Committee determined in February 2021, to issue licences for a maximum period of 12 months until such time that the

Taxi Licensing Policy is reviewed, the Policy is currently in the process of being reviewed.

6. The premises has planning permission for the use as a Private Hire operating company. A copy of the planning permission is attached at Annex 2 of this report.
7. The premises is currently in operation as Auto repair / garage.
8. The hours of operation are to be 24 hours every day of the week.

Recommendations

9. Members are asked to determine the application for a new licence in accordance with Section 55, (Licensing of Operators of Private Hire vehicles) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason: To consider the application for a new private hire operator's licence as required by the legislation.

Background

10. In March 1996 City of York Council (The Council) adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). This legislation, together with the provisions of the Town Police Clauses Act 1847 (the 1847 Act), places on the Council the duty to carry out its licensing function in respect of hackney carriage and private hire licensing. As such, the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. The Council is also responsible for the setting of Byelaws in relation to hackney carriage drivers and vehicles.
11. City of York Council's Taxi Licensing Policy (the Policy) was reviewed, and a revised policy was adopted by the Council's Executive on 26 September 2019, with an implementation date of 1st of October 2019.
12. The adoption of the legislation and the Policy allows the Council to set conditions on the grant of a Private Hire Operators Licence. A copy of City of York Council's Standard Conditions for Private Hire Operators is attached at Annex 3.
13. The Council may also attach such conditions on a Private Hire Operator's Licence as it considers reasonably necessary.
14. Private hire operators are defined in the legislation as:

‘a person who in the course of business makes provision for the invitation or acceptance of bookings for private hire vehicles.’

15. The applicant currently holds private hire operator’s licences issued by:
 - City of Wolverhampton Council
16. The Deregulation Act of 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 allowing a person licensed as a Private Hire Operator (under section 55) in one district, who has accepted a booking for a private hire vehicle, to arrange for another person to provide a vehicle to carry out the booking if:-
 - (a) the other person is licensed under section 55 in respect of the same district and the sub-contracted booking is accepted in that district;
or
 - (b) the other person is licensed under section 55 in respect of another district and the sub-contracted booking is accepted in that district;
17. There is a potential that bookings may be sub-contracted to an operator out of district to carry out the journey. For the avoidance of any doubt, such a practice is considered lawful and an operator should not be considered ‘unfit’ purely on this basis.
18. A similar situation has arisen previously, due to this situation the Council agreed to additional conditions being applied to operator licences. A copy of the additional conditions can be found at Annex 4. Members may wish to consider all, some or modified versions of these conditions.
19. A council shall not grant a licence unless they are satisfied:-
 - (a) that the applicant is a fit and proper person to hold an operator’s licence; and
 - (b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.
20. The applicant has undertaken the relevant criminal records check and submitted the correct documentation required to determine the application.
21. The applicant has declared that in 2022, his private hire drivers’ licence was revoked due to a CU80 (Mobile phone offence). An appeal against this decision was dismissed by York Magistrates.

22. Annex 5. Provides a map showing the location of the premises.
23. Annex 6 gives details of the complaints between 12 December 2019 and 12 December 2022 recorded by Public Protection that Members may consider relevant to this application.
24. The complaints relate to the parking of taxis around the garage premises i.e the location at which the applicant will operate from. It will be noted that the complaints span a period of around a year with the last recorded complaint being on 23 September 2021.
25. Annex 7 provides legislation extracts of the Local Government (Miscellaneous Provisions) Act 1976.

Consultation

26. There is no requirement within the 1976 Act for a consultation to take place in relation to application for the grant of private hire vehicle, driver or operator licences. Therefore, a consultation has not taken place in relation to this application.

Options.

27. By virtue of paragraphs 55, and 57 of the Local Government (Miscellaneous Provisions) Act 1976, the Committee have the following options available to them in making their decision:
28. Option 1: Grant a private hire operator's licence as requested, with the standard and additional conditions attached for a period of one year.
29. Option 2: Grant the private hire operator's licence with modified / additional conditions imposed by the licensing committee for a period of one year.
30. Option 3: Refuse the application providing the grounds for refusal.

Analysis.

31. In the event that the application is refused the applicant has the right of appeal to the Magistrates' Court within 21 days.
32. There is also a right to appeal to the Magistrates' Court against the imposition of conditions on a licence.

Council Plan.

33. The Council's Plan is to provide safe communities and culture for all, and a good quality of life for everyone. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications.

34. The implications arising directly from this report are:

- **Financial** – There are no direct financial implications.
- **Human Resources (HR)** – There are no HR implications.
- **Equalities** – There are no equalities implications.

- **Legal** –

The Local Government (Miscellaneous Provisions) Act 1976 provides the legislative framework for the licensing of private hire operators. Section 55 of the Act deals with the licensing of operators. Whilst this Act expressly refers to 'district council' the provisions within this legislation are in force in relation to the council as a unitary authority. It provides that:

"(1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied –

(a) that the applicant is a fit and proper person to hold an operator's licence; and

(b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.

(1A) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration status from operating a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State."

Section 55(2) provides that: "Subject to section 55ZA, every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case."

Section 55(3) provides that “A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary”.

The applicant has the right to appeal the refusal to grant an operator’s licence and any conditions imposed to the Magistrates’ Court.

In addition to the legislative framework the council has a Taxi Licensing Policy which guides the licensing authority’s decision making in relation to applications.

Members should also take into consideration the Department of Transport’s ‘Statutory Taxi & Private Hire Vehicle Standards’ when considering whether a person is ‘fit and proper’ to hold a licence.

The Licensing authority has a duty to ensure that any person to whom it grants an operator’s licence is a ‘fit and proper’ person to be a licensee.

- **Crime and Disorder** – There are no crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

Risk Management.

35. All Members are aware that any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of reputation and potential financial penalty.
36. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with the proper grounds for considering the application as set out within this report, there are no known risks involved with this recommendation.

Contact Details

Author:

David Cowley
Taxi Licensing Manager
Ext 2422

Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport & Planning

**Report
Approved**



Date 13/12/22

Wards Affected: Osbaldwick and Derwent Ward

Background Papers

Taxi Licensing Policy –

<https://www.york.gov.uk/downloads/download/54/taxi-licensing-policy>

Annexes

- Annex 1** - Copy of application for Private Hire Operators Licence.
- Annex 2** - Copy of current planning permission.
- Annex 3** - A copy of City of York Council's Standard Conditions for Private Hire Operators.
- Annex 4** - A copy of the additional conditions.
- Annex 5** - Map showing location of premises.
- Annex 6** - Locational complaints.
- Annex 7** - Legislation extracts.

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APPLICATION FOR THE INITIAL GRANT OF A PRIVATE HIRE VEHICLE OPERATOR'S LICENCE

WARNING

It is an offence for an applicant knowingly or recklessly to make a false statement or to omit any material information in order to obtain a licence. Such action will reflect on the suitability of the applicant to hold such a licence.

Please complete all sections

Full Details of Applicant

Title: Mr/Mrs/Miss/Ms/Other Name: BILAL HUSSAIN IQBAL

Address: [Redacted] Postcode: [Redacted]

Telephone no: [Redacted] Mobile no: [Redacted]

Email address: [Redacted]

Date of birth: [Redacted] Place of birth: [Redacted]

National Insurance No: [Redacted] Do you have the legal right to work in this country? YES NO

If the applicant proposes to operate the vehicle(s) in partnership with any other persons, please state the name and address of each partner.*

Title: Mr/Mrs/Miss/Ms/Other Name: [Redacted]

Address: [Redacted] Postcode: [Redacted]

Telephone no: [Redacted] Mobile no: [Redacted]

Email address: [Redacted]

Date of birth: [Redacted] Place of birth: [Redacted]

National Insurance No: [Redacted] Do you have the legal right to work in this country? YES NO
If required please continue on a separate sheet*

Has any applicant had an application to any Local Authority for the grant or renewal of a Private Hire Operator/Driver or Hackney Carriage Driver Licence refused, or had a licence revoked or suspended? YES / NO

If yes please give details:

Name of Local Authority: City of York & City of Wolverhampton

Dates: 2022 Type of Licence: PRIVATE HIRE DRIVER BADGE

Decision & Reasons: Revoked due to CUSO

Registered Company Details

Is the application being made in respect of a registered company? YES / NO

Has any director or secretary previously applied for any operator licence?
If Yes please give details YES / NO

Registered Company Name: DASH PRIVATE HIRE LTD

Registered Company Address: UNIT 2, HERITAGE PARK

OUTGANG LANE, YORK Postcode: YO19 5UP

Telephone no: [REDACTED] Email address:

Director's name and address: BILAL HUSSAIN IQBAL, [REDACTED]

Secretary's name and address: BILAL HUSSAIN IQBAL, [REDACTED]

Has there been any **revocation or suspension** of any operator licence previously held?
If Yes, please give details YES / NO

Has the Director or Secretary of the company ever received a conviction?
If Yes, please give details* YES / NO

Company Name	Trade of Business	Date	Court	Offence	Penalty
		14/06/22	N/A	C080	6 points

If required please continue on a separate sheet*

Business Premises

Name of Private Hire Company: DASH

Name which will be displayed on vehicle door signage: DASH

Business/Operating Address: UNIT 1, HERITAGE PARK, OUTGANG LANE,

YORK Postcode: YO19 5UP

Telephone no: 01904 690 690 (pending) Email address:
(This is the telephone no. at the operating address and cannot be a mobile telephone no.)

Have you obtained planning permission to operate Private Hire Vehicles from this address? YES / NO

If Yes, please state the planning application no: 20/0089/FUL

If No, you cannot continue until you have this in place or a letter confirming that permission is not required.

Does any person connected with this application hold either of these licences?

Hackney Carriage YES / **NO**

Private Hire YES / **NO**

If yes, please give brief details:

Issuing Authority: Type of Licence:

Date of Issue: Date of Expiry:

Issuing Authority: Type of Licence:

Date of Issue: Date of Expiry:

Issuing Authority: Type of Licence:

Date of Issue: Date of Expiry:

If required please continue on a separate sheet*

You are required to declare every offence for which you have been convicted or received a formal caution from the Police, whether or not it is spent within the terms of the Rehabilitation of Offenders Act 1974.

Have you or any person mentioned in this application ever been convicted in any court for any offence or offences including driving offences and fixed penalty offences or received a formal caution? **YES** / NO

If YES, please declare below all convictions and cautions (continue on separate sheet if necessary)

Person	Date	Court	Offence	Penalty
	14/06/22	N/A	CS&O	6 points

If required please continue on a separate sheet*

You may wish to explain any mitigating circumstances which gave rise to the conviction. You are invited to do so in the space below.

.....

.....

.....

Please state number of vehicles to operate from this company:

(Please indicate number of vehicles applicable by ticking the appropriate box)

1 to 10 vehicles

(Please specify exact number between 1 and 10)

11 to 50 vehicles

51 to 90 vehicles

91+ vehicles

DECLARATION

In connection with the Council granting me a Private Hire Vehicle Operator's Licence, I undertake that:-

- a) I will comply with all other conditions, regulations and byelaws, copies of which I have received and read.
- b) I have read and understand the implications of the warning regarding the making of a false declaration in relation to this application and confirm that to the best of my knowledge the particulars I have provided with this application are correct.

Signed:

[Redacted Signature]

Date: 01/12/2022

Name: BILAL IQBAL

Contact Name (where not previously given) and address for correspondence associated with this application:

.....
..... Postcode:

Telephone no: Email address:

*Any additional provided must be attached to this application and signed and dated by the applicant.

Please return the completed form to: Taxi Licensing
City of York Council
Eco Depot
Hazel Court
York
YO10 3DS

Our email address is licensing@york.gov.uk Our telephone number is (01904) 552422

The licence fee must be paid when you return the application form.

This authority requires the requested information in order to process your application for a licence. It has a duty to protect and safeguard the public and therefore may share the information you have provided on this form with other service areas within the Council, Government Departments, law enforcement agencies and partners for these purposes. We take your privacy seriously. For details of the information we collect and how we use it, please see the Public Protection Privacy Policy on our website www.york.gov.uk.

This authority is under a duty to protect the public funds it administers. We may share information internally and externally with other organisations responsible for auditing or administering public funds, or where undertaking a public function, in order to prevent and detect fraud. We may also disclose information to a Specified Anti-Fraud Organisation for the purpose of preventing fraud under Section 68 of the Serious Crime Act 2007.

OFFICE USE ONLY

DATE RECEIVED IN OFFICE:

PRIVATE HIRE OPERATOR'S LICENCE NO.

FOR HOW MANY VEHICLES:

PERIOD OF LICENCE:- FROM: TO:

DATE ISSUED: SIGNED:

RECEIPT NO. FEE PAID: DATE PAID:

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Approve Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:

[REDACTED]
Unit 1 The Joinery Works
Heritage Park
Outgang Lane
Osbalwick
York
YO19 5UP

Application at:

Hare & Ransome Limited Unit 1 The Joinery Works Heritage Park Outgang Lane Osbalwick
For: Change of use of first floor from former builders yard offices to taxi business

By:

[REDACTED]
Application Ref No: 20/00892/FUL
Application Received on: 26 May 2020

CONDITIONS OF APPROVAL:

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed ground floor plan received by the Local Planning Authority on 1 September 2020.

Proposed first floor plan received by the Local Planning Authority on 1 September 2020.

Proposed site plan received by the Local Planning Authority on 1 September 2020.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The taxi office shall be conducted as a control room only and no facilities are to be provided on site for drivers waiting for fares or between shifts, nor shall the premises and car park be used to pick-up or drop-off customers or be used as a waiting area for customers.

Reason: To safeguard the amenity of the adjoining premises and the area generally.

4 Group training shall only take place at the site on a maximum of two days per month and shall be attended by a maximum of 10 people at any one time.

Reason: Any proposal to increase the intensity of training activities would need to be considered in the light of local highway and parking conditions.

5 The area on the approved plans for the parking and manoeuvring of 5 vehicles for the taxi use shall be retained solely for such purposes at all times that the Taxi Office is operational.

Reason: In the interests of highway safety.

6 Prior to the occupation of the development commencing details of new secure cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

Date: 18 September 2020



M. Slater
Assistant Director for Planning and Public
Protection

FOR RIGHTS OF APPEAL, SEE OVERLEAF

Notes to Applicant

1. Statement of the Council's Positive and Proactive Approach

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

- Conditions included limiting the site to a call-centre and occasional staff training area.

2. For Information - Fire escape and sanitation

This planning permission for a change of use to a taxi business does not grant or infer permission for the recent installation of the fire escape and planning permission for a change of use of the business does not override the need to comply with any separate legislation as appropriate.

Appeals to the Secretary of State

- If you are aggrieved by the decision of the City Council to attach conditions to the grant of planning permission, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within SIX months of the date of this. You must use a form which you can get from The Planning Inspectorate, at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (tel: 0303 444 5433) or which can be downloaded from their web site (<https://www.gov.uk/appeal-planning-inspectorate>).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the City Council could not have granted planning permission for the proposed development, or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

Purchase Notices

- If either the City Council or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the City Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances, compensation may be claimed from the City Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 120 and related provisions of the Town and Country Planning Act 1990.

Note

This permission does not absolve you from the need to obtain approval under the Building Regulations, or to obtain approval under any other Bye-Laws, Local Acts, Orders, Regulations and statutory provision in force, and no part of the proposed development should be commenced until such further approval has been obtained.

Appendix 11**Private Hire Operators' Licence Conditions**

1. All applicants are required to complete an application form and are reminded that it is an offence to knowingly or recklessly make any false statement or omit relevant information.
2. The Booking Office premises of a Private Hire Operator shall be approved by the Council and shall conform to all Planning Regulations and other legal requirements in respect of business premises. Details must be provided of where vehicles will be parked when waiting for bookings. In the event that it is found that the Booking Office is operating without all necessary planning consents or in breach of planning conditions, the Private Hire Operator's licence will be deemed suspended until planning consent is obtained.
3. The current Private Hire Operators licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Council for amendment.
4. The licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office. This policy will be produced to the Council annually.
5. The licensed Operators, who have employees, shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment. This policy will be produced to the Council annually.
6. During the currency of the licence, the Operator shall notify the Council in writing within 7 days of any temporary change of residence which is for a period in excess of 21 days.
7. The licensed Operator shall inform the Council within 14 days of any change of the partners or Directors of the company, or any change on the Secretaryship or Chairmanship thereof.
8. Each Operator, when disposing of any business interest, shall within 14 days give notice in writing to the Council that the business registered in his/her name has terminated.
9. The licensed Operator must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent from the business for 15 days or more.
10. The licensed Operator will ensure that the Council has his/her most up to date contact details, including a mobile telephone number and email address. There should also be a generic email address for the company.
11. The licensed Operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire vehicle licence number, plate number, registration number and make and model of all hackney carriages/private hire vehicles operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.

12. The licensed Operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire driver's licence number, badge number, personal identity code name or number and name and address of each driver operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.
13. The licensed Operator shall make sure that hackney carriage/private hire vehicles and driver's operating from his/her office have had their licence renewed by the Council.
14. The licensed Operator shall display in a prominent position visible to customers visiting his premises at his place of business a list of fares and booking fees chargeable by the Operator. The Council shall be supplied with an up to date list of fares within 14 days of any changes made.
15. The licensed Operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I. licence and the licensed Operator must allow the Council access to inspect all equipment and D.T.I. licenses.
16. The licensed Operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a hackney carriage/private hire vehicle, including any booking accepted at the request of another Operator.

The record must be kept in the form of a log sheet or computer database detailing in particular:-

- a) The date and time of each booking
- b) The name and address of the hirer (if known)
- c) The dates, time and place of the commencement of each hiring
- d) The destination
- *e) The vehicle licence number and the name of the driver
- f) For booking transferred to another operator, details of that operator and information detailed in point 'e' above

(* This information may be given by reference to an incorporated code)

All records shall be maintained and kept up to date at all times, and shall be available for inspection at all reasonable times, without notice, by an Authorised Officer, the Police or DVSA. For the purpose of further investigation, records may be removed from the premises if so required or copied.

17. The licensed Operator shall keep a register of complaints by the public for a period of not less than 12 months.
18. Upon receiving a complaint or allegation regarding any person licensed by the Council in relation to the following matters:
 - a) sexual misconduct, sexual harassment or inappropriate sexual attention

- b) racist behaviour
- c) violence
- d) dishonesty
- e) breaches of equality

the licensed Operator shall report it immediately to the Council when the taxi licensing office is open.

19. The licensed Operator is not permitted to accept bookings forwarded by their private hire drivers.
20. Private hire operators must provide the Council with a current table of fares, including mileage fare chart.
21. If used, private hire operators must make sure all meters and PDA systems are calibrated to the correct fare scale.
22. The licensed Operator shall provide a prompt, efficient and reliable service to members of the public at all times, ensuring that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicles shall, unless delayed, attend punctually at that time and place.
23. The licensed Operator remains accountable for service delivery even upon the transfer of a booking to another licensed Operator.
24. The maximum number of vehicles that may operate from the licensed Private Hire Booking Office are detailed on this licence, this number will not be exceeded without prior written notification to the Council.

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Annex 4 - A copy of the additional conditions.

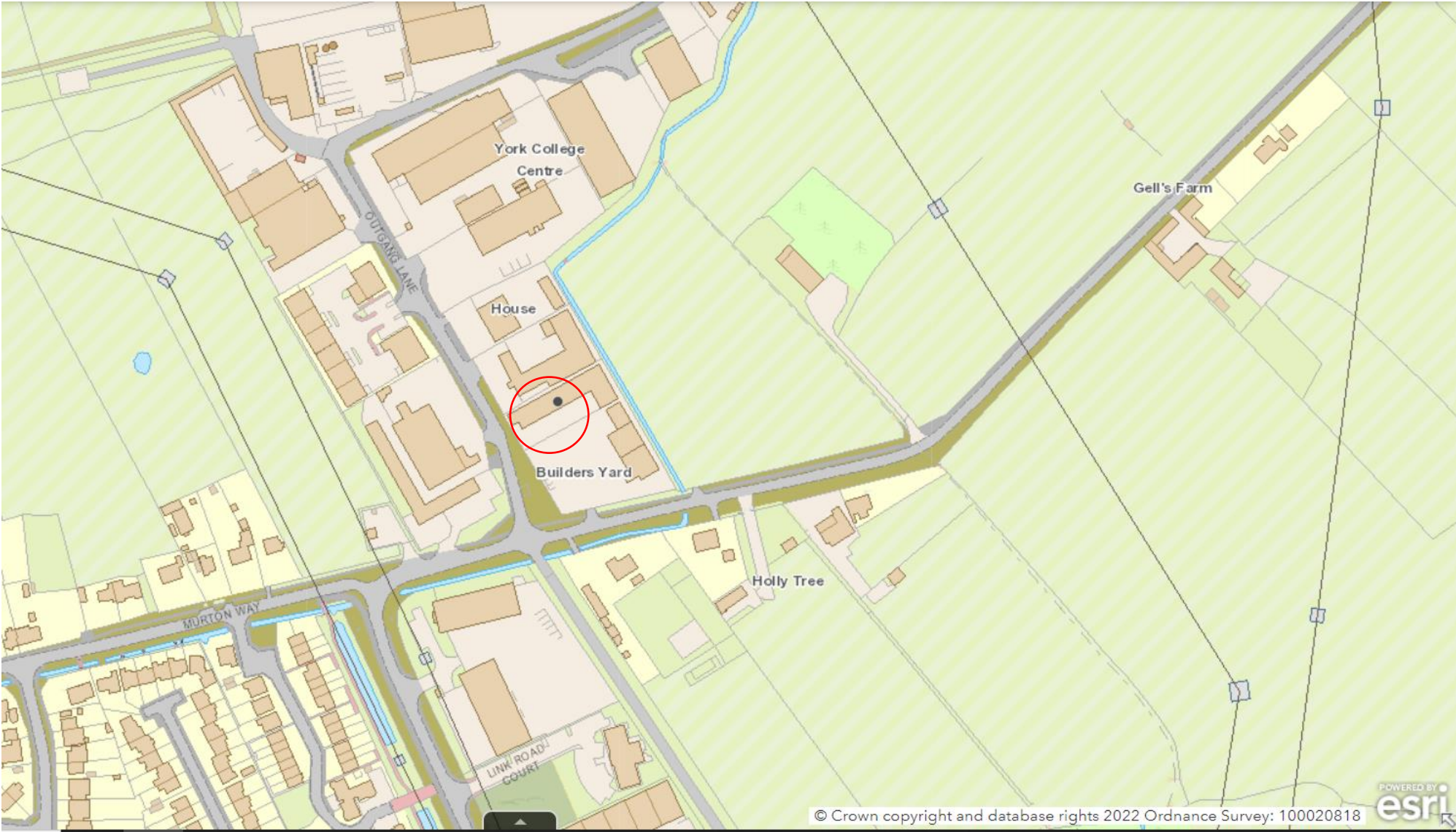
The licence shall be subject to the following additional conditions:

- (a) Not to recruit any driver licensed by any other authority onto the operator's platform who is known to have taken and failed the York Knowledge and Safeguarding Test within the previous 3 years, unless the driver has subsequently passed the test.
- (b) To require any other authority-licensed drivers who wish to be recruited onto the operator's platform to state if they have previously taken and failed the York knowledge and safeguarding test within the previous 3 years. Drivers' answers to be verified with the City of York Council.
- (c) To require any other authority-licensed drivers who wish to be on-boarded to the operator's platform to sign an appropriate form (in accordance with the requirements of the GDPR and Data Protection Act 2018) authorising information as to their having taken, or otherwise, the City of York Knowledge and Safeguarding Test, as well the result of any such test, to be given to the operator and/or their representatives.
- (d) The operator will not on-board any other authority-licensed driver if, within three working days of submitting the driver's signed authority by email to the City of York Council, the Council advises by email that the driver has taken and failed the York Knowledge and Safeguarding Test within the previous 3 years and has not subsequently passed the test.
- (e) To require that before fulfilling a sub-contracted booking from the operator, each other authority-licensed driver must complete topographical training, namely 2-3 hours of in-house training consisting of classroom or in-car training, including the York Pedestrian Zone, city centre roads and routes, and important venues such as hospitals, the railway station, tourist attractions, etc.
- (f) To require that before fulfilling a sub-contracted booking from the operator, each other authority-licensed driver must take and pass a driving assessment administered by The Blue Lamp Trust, Green Penny or any such other organisation as may be DVSA

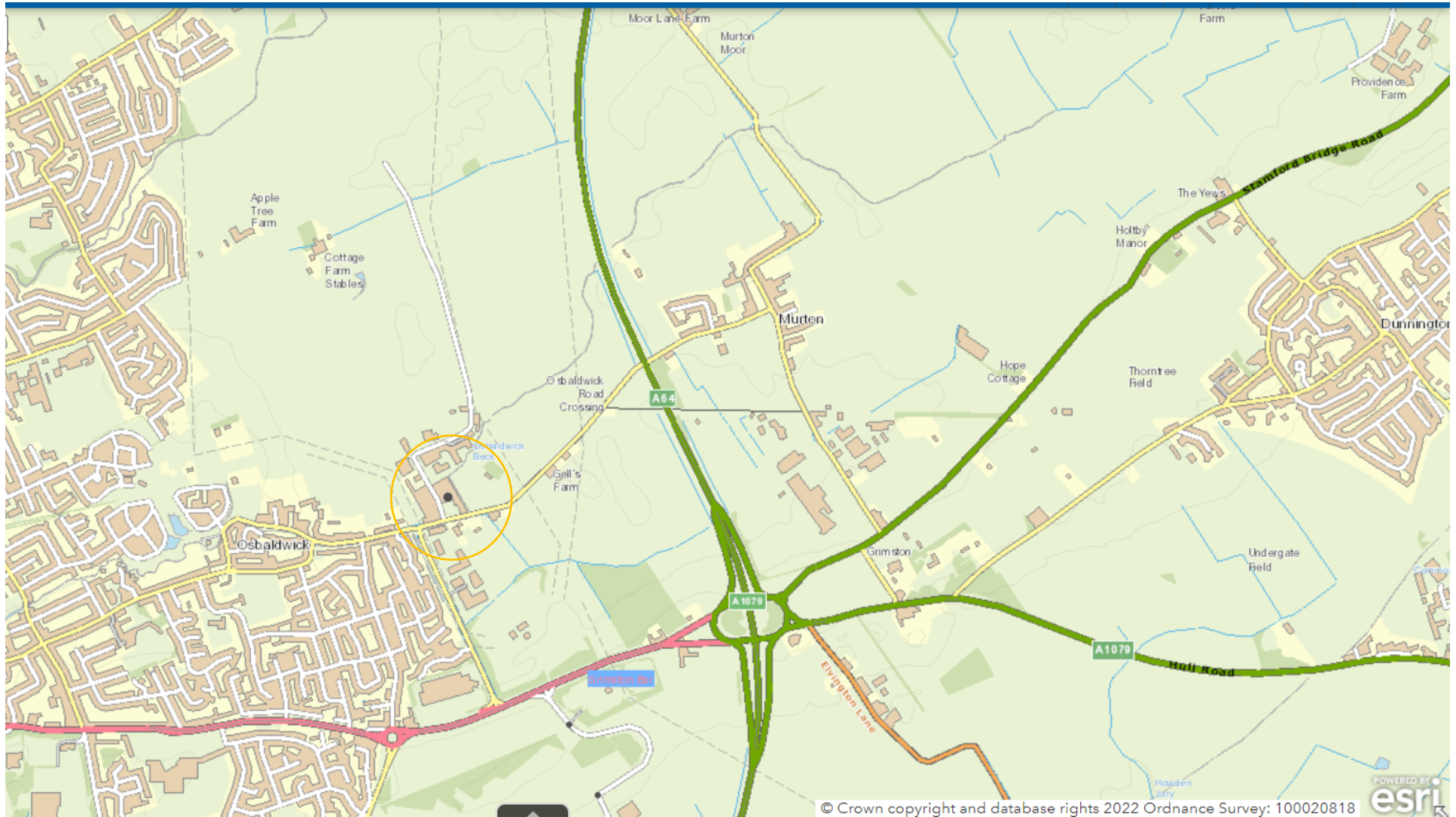
authorised/Fleet Approved to undertake the said driving assessment.

- (g) To keep records of topographical training and driving assessment for each other authority-licensed driver. The said records (including driving assessment certificate) to be kept throughout the period the driver works with the company and for 6 months thereafter. To produce such records on request of an authorised officer of the City of York Council.

Annex 5 - Map showing location of premises



Annex 5 - Map showing location of premises.



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Annex 6 - Details of the complaints held by public protection about
the premises relating to taxis.

Date	Ref no:	Detail
27/08/2020	215642	Abundance of taxis parked in Murton Way
29/12/2020	218477	Taxi parked on footpath
05/02/2021	219278	Parking on footpath and no plates
08/02/2021	219332	Vehicles obstructing road
15/02/2021	219452	Taxi blocking footpath on Outgang Lane
26/03/2021	220386	Parked on pavement
08/06/2021	221950	Obstructive Parking
08/06/2021	222023	Parking on footpaths
23/07/2021	222924	Obstructive parking on Outgang Lane
23/09/2021	224076	Complaint about parked vehicles

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Annex 8 - Legislation extracts.

55 Licensing of operators of private hire vehicles.

- (1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied

(a) that the applicant is a fit and proper person to hold an operator's licence; and

(b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.

(1A) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration status from operating a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State.

- (2) Subject to section 55ZA, every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.
- (3) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.
- (4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court

55ZA Operators' licences for persons subject to immigration control

- (1) Subsection (2) applies if—

(a) a licence under section 55 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”);

(b) the person's leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision); and

(c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.

(2) The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must end at or before the end of the leave period.

(3) Subsection (4) applies if—

(a) a licence under section 55 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period; and

(b) the person's leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).

(4) The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must not exceed six months.

(5) A licence under section 55 ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status from operating a private hire vehicle.

(6) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return the licence to the district council which granted the licence.

(7) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return it to the district council which granted the licence.

(8) A person who, without reasonable excuse, contravenes subsection (6) or (7) is guilty of an offence and liable on summary conviction—

- (a) to a fine not exceeding level 3 on the standard scale; and
 - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
- (9) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (8)(b).
- (10) Regulations under subsection (9) may make transitional, transitory or saving provision.
- (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

55A Sub-contracting by operators

- (1) A person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle may arrange for another person to provide a vehicle to carry out the booking if—
- (a) the other person is licensed under section 55 in respect of the same controlled district and the sub-contracted booking is accepted in that district;
 - (b) the other person is licensed under section 55 in respect of another controlled district and the sub-contracted booking is accepted in that district;
 - (c) the other person is a London PHV operator and the sub-contracted booking is accepted at an operating centre in London; or
 - (d) the other person accepts the sub-contracted booking in Scotland.
- (2) It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the person licensed under section 55 who accepted the booking and the person who made the booking.
- (3) Where a person licensed under section 55 in respect of a controlled district is also licensed under that section in respect of another controlled district, subsection (1) (so far as relating to paragraph (b) of that subsection) and section 55B(1) and (2) apply as if each licence were held by a separate person.

(4) Where a person licensed under section 55 in respect of a controlled district is also a London PHV operator, subsection (1) (so far as relating to paragraph (c) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the London PHV operator were separate persons.

(5) Where a person licensed under section 55 in respect of a controlled district also makes provision in the course of a business for the invitation or acceptance of bookings for a private hire car or taxi in Scotland, subsection (1) (so far as relating to paragraph (d) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the person making the provision in Scotland were separate persons.

In this subsection, “private hire car” and “taxi” have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982.

(6) In this section, “London PHV operator” and “operating centre” have the same meaning as in the Private Hire Vehicles (London) Act 1998.

55B Sub-contracting by operators: criminal liability

(1) In this section—

- “the first operator” means a person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle and then made arrangements for another person to provide a vehicle to carry out the booking in accordance with section 55A(1);
- “the second operator” means the person with whom the first operator made the arrangements (and, accordingly, the person who accepted the sub-contracted booking).

(2) The first operator is not to be treated for the purposes of section 46(1)(e) as operating a private hire vehicle by virtue of having invited or accepted the booking.

(3) The first operator is guilty of an offence if—

- (a) the second operator is a person mentioned in section 55A(1)(a) or (b),
- (b) the second operator contravenes section 46(1)(e) in respect of the sub-contracted booking, and

(c) the first operator knew that the second operator would contravene section 46(1)(e) in respect of the booking.

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